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CITY OF RIVERBANK

Zoning Ordinance

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Addition of Chapter 24 Wireless Telecommunications

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CITY OF RIVERBANK ZONING ORDINANCE

Title 15 Chapter 153

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CHAPTER 153
Definitions

SECTION:

153.001	**Plan Adopted**
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153.001 PLAN ADOPTED

There is hereby adopted a zoning plan for the City of Riverbank, County of Stanislaus, State of California, said zoning plan being a Districting Plan as provided by law.

153.002 PURPOSE

Zoning regulations for the City are hereby adopted and established to serve the public health, safety and general welfare and to provide the economic and social advantages resulting from an orderly, planned use of land resources.

153.003 DEFINITION

ACCESSORY: A building, part of a building or structure or use which is subordinate to, and the use of which is incidental to that of the main building, structure or use on the same lot. Where an accessory building has a wall or a portion of a wall not less than four feet (4') in length in common with a main building, such accessory building shall be considered a part of the main building.

ALLEY: Any public thoroughfare, not exceeding thirty (30) feet in width, for the use of pedestrians and/or vehicles, which affords only a secondary means of access to abutting property.

APARTMENT: A room or suite of two or more rooms which is designed for, intended for, and/or occupied by one family doing its own cooking therein.

BOARDING HOUSE: A dwelling other than a hotel or a residential care home, wherein lodging and meals are provided for compensation for more than five but not more than ten persons other than the immediate members of the proprietor's family.

BUILDING: Any structure having a roof supported by columns and/or walls and intended for the shelter, housing and/or enclosure of any persons, animal or chattel. When any portion thereof is completely separated from every other portion thereof by a masonry division or fire wall without any window, door or any other opening therein, which wall extends from the ground to the upper surface of the roof at every point, then such portion shall be deemed to be a separate building.

BUILDING, ACCESSORY: A subordinate building, the use of which is incidental to that of a main building on the same lot. Signs and fences are not to be considered as accessory buildings. Where an accessory building does not have a common wall of at least four feet in length with the main building on the same lot, it shall be considered detached.

BUILDING, MAIN: A building in which is conducted the principal use of the lot upon which it is situated. In any "R" district, any dwelling shall be deemed to be a main building upon the lot upon which the same is situated.

BUILDING HEIGHT: The vertical distance measured from the average level of the highest and lowest point of that building site covered by the building to the ridge or peak of the roof.

BUILDING LINE: A line parallel to the front lot line and at a distance therefrom equal to the required depth of the front yard and extending across the full width of the lot.

BUSINESS OR COMMERCE: The purchase, sale or other transaction involving the handling or disposition (other than as included in the term "industry" as defined herein) of any article, substance or commodity for profit or livelihood, including office buildings, offices, shops for the sale of personal services, garages, outdoor advertising signs, automobile parts, automobile courts and recreational and amusement enterprises conducted for profit, but not including junk yards.

CARNIVAL: A traveling or itinerant commercial amusement enterprise consisting of sideshows, vaudeville, games, merry go rounds or other mechanical amusement devices temporarily located within the City. A "carnival" shall not be construed to include or mean a festival or amusement.

CIRCUS: A traveling or itinerant commercial amusement enterprise utilizing an enclosure of any kind, but usually circular or rectangular, partially surrounded by seats, used for exhibition or horsemanship, acrobatic performances, acts of clowns, feats of animal training or the like, temporarily located in the City.

COMMUNICATIONS EQUIPMENT BUILDING: A building housing electrical and mechanical equipment necessary for the conduct of a public utility communications business, with or without personnel.

CLUB: An association of persons for some common, nonprofit purpose but not including groups organized primarily to render a service which is customarily carried on as a business.

COMMUNITY DEVELOPMEMT DIRECTOR: The Community Development Director of the City of Riverbank.

DAY CARE CENTER: Day care center means a dwelling or building or structure in which persons not of the immediate family are provided with care for compensation for a portion of the day not exceeding 12 hours in any 24 hour period. A day care shall not include 24-hour care and shelter.

DWELLING: A building or portion of a building designed for residential purposes, including one-

family, two-family and multiple family dwellings but not including hotels, motels, boarding houses and lodging houses.

DWELLING GROUP: A group of two or more detached or semi-detached single-family, two-family or multiple dwellings occupying a parcel of land in one ownership.

DWELLING, MULTIPLE: A building or portion thereof used or designed as a residence for three or more families living independently of each other, and doing their own cooking in said building.

DWELLING, SINGLE FAMILY: A detached building designed for and/or occupied exclusively by one family. A single-family dwelling shall not include mobile homes, but shall include modular homes.

DWELLING, TWO FAMILY (DUPLEX): A detached building designed for and/or occupied exclusively by two families living independently of each other, but under one roof.

DWELLING UNIT: One or more rooms in a dwelling designed for occupancy by one family for living or sleeping purposes, and having only one kitchen.

FAMILY: An individual, or two or more persons related by blood or marriage, or a group of not more than five persons who are not related by blood or marriage, excluding servants, living together as a single housekeeping unit in a dwelling unit as distinguished from a group occupying a hotel, club, fraternity or sorority house.

FAMILY DAY CARE CENTER - A day care center which also serves as the residence of the licensee.

FLOOR AREA: The sum of the gross horizontal areas of several floors of the building, excluding areas used for accessory garage purposes, and such basement and cellar areas as are devoted exclusively to uses accessory to the operations of the building. All horizontal dimensions shall be taken from the exterior faces of walls including walls or other enclosures or enclosed porches. Whenever the term "floor area" is used in this title as a basis of requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, floor area applies not only to the ground floor area but also to any additional stories or basement of the structure.

FLOOR AREA RATIO: The ratio of gross building floor area to total lot area expressed as such. Example: two (2) square feet of gross floor area for each three (3) square feet of total lot area would result in a floor area ratio or .66:1. (Ord. 87-11)

GARAGE: An accessory building or an accessory portion of the main building, enclosed on all sides, and with a clear vertical opening not to exceed nine (9) feet and designed or used for the shelter or storage of passenger vehicles and located on the same lot as the dwelling to which it is accessory. (Ord. 88-14)

GARAGE, PARKING: A building used for the parking of more than three automobiles or trucks, whether free, for compensation, or as an accommodation.

GARAGE, PUBLIC: A building other than a private garage, enclosed on all sides and used for the care, repair or equipping of automobiles, or where such vehicles are kept for hire, sale or equipping.

GARAGE SALES, YARD SALES, MOVING SALES, PATIO SALES, AND SIMILAR USES: The retail sale of used or second hand goods or merchandise in connection with a lawfully existing dwelling unit on property within any zoning district provided that:

1. No such sale shall be conducted upon the same premises for more than three (3) consecutive days nor on more than four (4) separate occasions within any one calendar year.

2. No such sale shall result in the use of more than two (2) unlighted signs not exceeding three square feet each in area. Said signs to be displayed only during such times as the sale is actually being conducted.

GUESTHOUSE: Living quarters within an accessory building for temporary use by guests of the occupants of the premises. Such quarters shall have not kitchen facilities and shall not be rented or otherwise used as a separate dwelling.

HOME OCCUPATION: Any occupation conducted primarily within a dwelling unit and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof and in connection with which there is no display nor stock in trade or commodities sold except those which are produced on the premises. The home occupation must meet the requirements of Section 153.265 through 1523.267 of this Chapter and is governed under Title 11 Section 110 of the City Code.

HOSPITAL, MENTAL: An institution licensed by the State of California to care for or treat persons having mental or nervous disorders.

HOTEL: Any building or portion thereof, containing six (6) or more quest rooms used, designed or intended to be used by paying guests. A motel shall be considered a hotel.

HOUSEHOLD PETS: Animals or fowl ordinarily permitted in the home and kept for company or pleasure and not for profit, such as dogs, cats and canaries, but not including a sufficient number of dogs or cats to constitute a kennel. Household pets may also include not more than a total of twelve (12) chinchillas, hamsters, white mice or similar animals.

JUNK YARD: The use of more than two-hundred (200) square feet of the area of any parcel, lot, or contiguous lots or parcels for the storage or keeping of junk, including but not limited to scrap materials, surplus material, second hand material or for the dismantling or "wrecking" of automobiles or other vehicles or machinery.

KENNEL: A place where four (4) or more dogs or cats (or any combination of 4 or more dogs and cats) of four (4) months of age or older are kept.

KITCHEN: Any room or space used, intended or designed to be used for cooking or for the

preparation of food for one family.

LABOR CAMP: Any living quarters, dwelling, boarding house, tent, bunk house, camper, mobile home or other housing accommodation, maintained for five (5) or more persons employed in connection with any agricultural work.

LOT (includes the word "plot"): Land occupied or to be occupied by a building and its accessory buildings or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this Title, having not less than the minimum area required by this Title for a building site in the district in which such lot is situated, and having its principal frontage on a street.

LOT, AREA: The total horizontal area included within the lot lines.

LOT, CORNER: A lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines.

LOT, DEPTH: The average distance from the street line of the lot to its rear line measured in the general direction of the sidelines of the lot.

LOT, FRONTAGE: That portion of a lot abutting a public street.

LOT LINES: The lines bounding a lot.

LOT, WIDTH: The distance between the sidelines of a lot measured at the building setback line.

MOBILEHOME: A vehicles designed and equipped for human habitation as defined by the California Health and Safety Code, Chapter 18008.

MOBILEHOME PARK: A lot or parcel of land which is used exclusively for the parking thereon of ten (10) or more mobile homes for a rental charge or for rent or lease of mobile homes, and for appurtenant facilities for the exclusive use of the occupants such as; laundry, rest rooms, recreation and storage facilities, and mobile home, dwelling or office facility for the owner or manager.

MOTEL: Any building or group of buildings containing sleeping rooms, with or without cooking facilities, designed for temporary use by tourists or transients, with garage attached or parking space conveniently located to each unit, including auto parks, motor lodges and tourist courts.

NONCONFORMIMG USE: A building or land occupied by a use that does not conform to the regulations for the district in which it is situated.

OUTDOOR ADVERTISING SIGN: Any card, cloth, paper, metal, painted glass, wooden, plaster, stone or other sign of any kind or character whatsoever placed for advertising purposes on the ground or on any tree, wall, bush, post, fence, building, structure or thing whatsoever.

OUTDOOR ADVERTISING STRUCTURE: Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be

placed, including outdoor advertising statuary. (Ord. 87-11)

PARKING SPACE: An accessible and usable space on a building site of at least 9-feet by 19-feet with access for the parking of automobiles. The length of the space may be reduced by 2-feet if landscaped planters of sufficient width are used as curb stops.

PLANNING COMMISSION: The City Planning Commission of the City of Riverbank.

RECREATIONAL VEHICLE: Either of the following:

1. A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency or other occupancy, which meets all of the following criteria.

    a. It contains less than 320-square feet of internal living room area, excluding built-in equipment, including but not limited to wardrobe, closets, cabinets, kitchen units or fixtures and bath or toilet rooms.

    b. It contains 400-square feet or less of gross area measured at maximum horizontal projections.

    c. It is built on a single chassis.

    d. It is either self-propelled, truck-mounted or permanently towable on the highways without a permit.

2. A park trailer designed for human habitation for recreational or seasonal use only, which meets all of the following criteria:

    a. It contains 400-square feet or less of gross floor area measured at the maximum horizontal projections. However, it may not exceed 12-feet in width or 40-feet in length in the traveling mode.

    b. It is built on a single chassis.

    c. It may only be transported upon the public highways with a permit. (Cal. Health & Safety Code Chapter 18010).

RESIDENTIAL CARE HOME: A home operated as a boarding home and in which nursing, dietary and other personal services are furnished to convalescent, invalid or aged persons in return for compensation; but in which are performed no surgical or other primary treatments such as are customarily provided in sanitariums or hospitals and in which no persons are kept or served who normally would be admissible to a mental hospital.

ROOMING HOUSE: A dwelling, building or structure occupied by five or more persons who

have agreed to pay a specific rent for a specific space as distinguished from guests subject to innkeepers liability.

SAWMILL: Any structure or land used for the manufacture or re-manufacturing of lumber of lumber products by the use of power equipment.

SERVICE STATION: A structure or area which is provided for the servicing, washing and fueling of motor vehicles, including minor repairs and the storage and sale of merchandise and supplies, incidental thereto, provided, however, that the washing of automobiles shall be permitted only when no chain conveyor, blower or steam cleaning device is involved.

SHALL: Is mandatory and not directory.

STORY: The portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be considered a story. A basement shall not be considered a story when computing the height of a building.

STREET: A thoroughfare which has been dedicated or abandoned to the public and accepted but proper public authority for a thoroughfare, not less than 30-feet wide, which has been made public by right of use and which affords the principal means of access to abutting property.

STRUCTURE: Anything constructed or erected which requires location on the ground or attached to something having a location on the ground but not including fences or wells used as fences not more than 6-feet in height or free-standing signs.

STRUCTURAL ALTERATIONS: Any changes in the supporting member of a building, such as bearing walls, columns, beams or girders.

TRUCK TERMINAL: The storage of one or more commercial trucks which have a body exceeding 12-feet in length in rear of the cab, or the storage of more than one truck of any type. A truck shall not be normally construed as a means of transportation in lieu of an automobile and not normally an accessory use to a dwelling.

USE: The purpose for which land or a building is designed, arranged, or intended or for which it is or may be occupied or maintained.

USE, ACCESSORY: A use incidental and secondary to the principal use of a lot or building located on the same lot as the accessory use.

USED CAR: Any automobile, pickup truck of no more than a one-ton load rating or any van of no more than a one-ton load rating.

VETERINARY HOSPITAL: An establishment for the care and treatment of animals, including household pets, livestock and commercial poultry, all facilities to be within a complete enclosed building except for exercising runs and parking of automobiles.

WRECKING YARD: The use of more than 200-square feet of the area of and lot for the storage of immobile vehicles or the dismantling or wrecking of automobiles or other vehicles or machinery.

YARD: An open space other than a court on the same lot with a building which open space is unoccupied and unobstructed from the ground upward except as otherwise provided in this Title.

YARD, FRONT: A yard extending across the front of the lot and lying between the front line and a line parallel thereto and having a distance between such parallel lines equal to the required front yard depth as prescribed in each district.

YARD, SIDE: An area extending from the front lot lie to the rear lot line and lying parallel thereto, within the lot and having a distance between such parallel lines equal to the side yard width as prescribed in each district.

YARD REAR: A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the buildings as prescribed for the district. (Ord. 87-11)

CHAPTER 153
Districts; Boundaries

SECTION

153.010	Districts Established
153.011	Degree of Restrictiveness
153.012	Establishment of Districts by Map
153.013	Division of Zoning Map
153.014	Changes in Boundaries
153.015	Location of Boundaries
153.016	Land Use Restriction

153.010 DISTRICTS ESTABLISHED

In order to classify, regulate and segregate the uses of land and building, to regulate the heights and bulk of buildings, and to regulate the area of yards and other open spaces about buildings and to regulate the density of population, ten (10) classes of districts by this Title established to be known as follows:

SINGLE FAMILY RESIDENTIAL DISTRICT	R-1
DUPLEX RESIDENTIAL DISTRICT	R-2
MULTIPLE FAMILY RESIDENTIAL DISTRICT	R-3
NEIGHBORHOOD COMMERCIAL DISTRICT	C-1
GENERAL COMMERCIAL DISTRICT	C-2
COMMERCIAL-INDUSTRIAL DISTRICT	C-M
LIGHT INDUSTRIAL DISTRICT	M-1
HEAVY INDUSTRIAL DISTRICT	M-2
FLOOD PLAN DISTRICT	F
PLANNED DEVELOPMENT DISTRICT	P-D
SPECIFIC PLAN DISTRICT	S-P

153.011 DEGREE OF RESTRICTIVENESS

"More restrictive uses" as employed in this Title means the following:

1. Those uses first permitted in the R-l District are most restrictive.

2. All other uses are less restrictive districts in the sequence shown PD, R2, R3, C1, C2, CM, Ml and M2.

153.012 ESTABLISHMENT OF DISTRICTS BY MAP

The locations and boundaries of the various districts are shown on the "Zoning Map of the City of Riverbank", as amended, which is hereby adopted by reference and shall be treated as if set forth in full herein. The map and all notations references and other information shown thereon are hereby made a part of the Chapter.

153.013 DIVISION OF ZONING MAP

The Zoning Map may, for convenience, be divided into parts and each such part may for purposes or more readily identifying within such Zoning Map, be subdivided into units and each of such parts and units may be separately employed for purposes of amending the Zoning Map or for any official reference to the Zoning Map.

153.014 CHANGES IN BOUNDARIES

Changes in the boundaries of the zones shall be made by ordinance adopting an amended Zoning Map or part of the map, which the amended maps, or part or units of parts, when so adopted, shall be published in the manner prescribed by law and become a part of this Chapter.

153.015 LOCATION OF BOUNDARIES

Where uncertainty exists as to the boundary of any district, the following rules shall apply:

A) Whenever the district boundary is indicated as being approximately upon the centerline of a street, alley or block, or along a property line, unless otherwise definitely indicated on the map, the centerline of such street, alley or block or such property line, shall be construed to be the boundary of such district.

B) When the applicant of the above rules does not clarify the zone boundary location, the

Planning Commission shall interpret the map.

153.016 LAND USE RESTRICTION

No building shall hereafter be erected, nor shall any use of land be conducted except the use of land for agricultural purposes so that the same will be closer to the right of way line of any street than any official plan line or any building line which has been established for such street. (Ord. 82-07)

CHAPTER 153
Single Family Residential Zoning District (R-1)

SECTION:

153.030	**Regulations**
153.031	**Uses Permitted**
153.032	**Uses Permitted With a Use Permit**
153.033	**Building Requirements**

153.030 REGULATIONS

The following regulations shall apply in all "R-1" Districts and shall be subject to the provisions of Sections 153.180 through 153.185 of this Title.

153.031 USES PERMITTED

(A) One single family dwelling or one mobile home provided that the mobile home meets the following restrictions:

1. Mobile homes must have been constructed after October 1978.

2. Mobile homes must be on a foundation system approved by resolution of the City Council.

3. All mobile homes shall be subject to review and approval by the Planning Director with respect to siding material, roofing materials and roof overhang to ensure, to the greatest extent feasible, compatibility with surrounding structures. A pictorial representation of the proposed mobile home shall be submitted with the application.

(B) Accessory buildings normally incidental to a single family dwelling provided that such buildings are constructed concurrent with, or subsequent to the construction of the single family dwelling. "Normally incidental" shall be deemed to mean that, in addition to a two car garage (either attached or detached), the size of the accessory building does not exceed 20 percent of the living area of the dwelling. (Ord. 88-14)

(C) Family day care centers limited to six (6) paying guests.

(D) Family day care centers for 7-12 paying guests when the following criteria are met:

1. At least one off-street parking space shall be provided for each employee.

2. There are no other day care centers for more than six paying guests within 300 feet of the exterior boundaries of the subject site.

3. In addition to the required employee parking, there shall be provided at least two off-street parking spaces for loading and unloading of guests. These spaces shall be so located that vehicles head in and head out without using the public street for maneuvering, loading, or unloading.

(E) Home occupations as defined in Section 153.003 and is governed under Title 11 Section 110 of the City Code.

(F) Public parks and public buildings.

(G) Temporary real estate office and sign (not to exceed 100 square feet in area) may be located on any new subdivision for a period of not more than two years from the date of recording of the map of the subdivision upon which said office and sign are located. This time limit shall automatically be extended under the conditions in Section 153.285(A)(1)(g) of this Title.

(H) Temporary construction buildings to house tools and equipment or containing supervisory office in connection with construction projects during active construction on the same property.

(I) Residential care homes in which less than seven persons not of the immediate family are provided with food, shelter and care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to diagnosis and treatment of disease or injury.

(J) Signs as allowed in Sections 153.280 through 153.285 of this Title.

(K) Garage sales, as defined in Section 153.003 of this Title.

(L) Temporary uses such as a circus, carnival, fair or festival provided they meet the following requirements:

1. The use shall be temporary in nature and shall not last more than four days.

2. The organizers of the event shall notify the Police Department of their intentions at least 30 days prior to the scheduled beginning of the event.

3. A business license shall be obtained as required by Section 110.18 of this Title.

4. Licenses will only be issued to local businesses or shopping centers when conducted on the same property as the business/shopping center or to local non-profit organizations.

(M) Temporary mobile home for ill or aged family members as regulated by Section 153.219 of this Title. (Ord. 87-11)

153.032 USES PERMITTED WITH A USE PERMIT

(A) Churches and other religious institutions (excluding open-air or tent).

(B) Schools, public utility, quasi-public buildings.

(C) Public or private automobile paring lots when adjacent to a "C" or "M" district or to a "PD" district when used for commercial or industrial purposes.

(D) Mobile home park which meets the "Mobile Home Park Standards" as adopted by resolution of the City Council.

(E) One duplex on a corner lot provided that the front door and garage of each unit faces a different street.

(F) Second dwelling units as provided for in Sections 153.325 and 153.326 of this Title.

(G) Family day care centers for 7-12 paying guests when the requirements of Section 153.031(D) of this Title are not met.

(H) Accessory buildings that do not meet the requirements of Section 153.031(B) of this Title. (Ord. 92-06; Amended Ord. 97-03)

153.033 BUILDING REQUIREMENTS

(A) Height Limit:

1. For dwellings and other main buildings - 35 feet.

2. For accessory buildings - 15 feet.

3. No fence (excluding wire fences, and non-solid fences which do not limit visibility as determined by the Planning Director) shall be constructed in excess of eight feet in height within any side or rear yard, except fences within the side or rear yard which

enclose electrical substations which may be constructed to the heights required by law.

4. No fence, hedge, or screen planting (excluding wire fences, and non-solid fences which do not limit visibility as determined by the Planning Director) shall be constructed or permitted to grow in excess of three feet in height within any front yard or side yard of a corner lot.

(B) Building Site Area Required:

1. Minimum area - 6,000 square feet.

2. Minimum width, interior lot - 55 feet.

4. Minimum width, corner lot - 65 feet. (Ord. 87-11)

5. Minimum depth - 100 feet unless otherwise approved by the Planning Commission or City Council, whichever is the final decision making body. Plot plans of lots for which less than the minimum depth is requested may be required to ensure that the lot is usable for residential purposes. (Ord. 88-14)

(C) Yards and Open Spaces Required:

1. Front yard and side yard of a corner lot - Not less than 15 feet from the planned right-of-way line provided that no vehicle opening of any building be closer than 20 feet to the property line or planned right-of-way line toward which the opening faces.

2. Side or rear yard when lot abuts an arterial - 10 feet

3. Side or rear yard, interior lot, all other cases - 5 feet.

4. Detached accessory buildings - 10 feet from any other buildings. (Ord. 90-01)

(D) Lot Coverage: No more than 50% of the lot may be covered by buildings.

(E) Off-street parking as required in Section 153.184 of this Title.

(F) Minimum Building Size:

1. Single family dwellings and mobile homes - 900 square feet.

2. All other uses - no minimum size.

(G) Density: Maximum permissible density is (8) eight dwelling units per net acre.(Ord. 87-11)

(H) Open Space Requirements: All multiple residential uses of two or more dwelling units on one lot shall provide a fenced playground (or other open space in the case of an adult-only facility) of at least 50-square feet per unit with a minimum area of 300-square feet provided regardless of the number of units. This are shall not be a lineal open space but should have a width to depth ratio not exceeding one to two (1:2). Except in very large complexes (more than 50 units) this required open space shall be in one location.

CHAPTER 153
Duplex Residential Zoning District R-2

SECTION:

153.045	**Regulations**
153.046	**Uses Permitted**
153.047	**Uses Permitted With a Use Permit**
153.048	**Building Requirements**

SECTION 153.045 REGULATIONS

The following regulations shall apply in the R-2 districts and shall be subject to the provisions of Section 153.185 of this Title.

SECTION 153.046 USES PERMITTED

(A) A single family dwelling or one duplex, or two dwelling units, except that on parcels with no direct frontage on a City maintained street, only one single family dwelling is permitted.

(B) In lieu of all the residential uses listed in Section (A), one mobile home per lot provided that the mobile home meets the following restrictions:

1. Mobile homes must have been constructed after October 1976.

2. Mobile homes must be on a foundation system approved by resolution of the City Council.

3. All mobile homes shall be subject to review and approval by the Planning Director with respect to siding material, roofing materials and roof overhang to ensure, to the greatest extent feasible, compatibility with surrounding structures. A pictorial representation of the proposed mobile home shall be submitted with the application.

4. No other dwelling units (i.e. single family or duplex) shall be allowed on the same lot. (Ord. 87-11).

(C) Accessory buildings normally incidental to dwellings provided that such buildings are constructed concurrent with, or subsequent to the construction of the dwellings. "Normally incidental" shall be deemed to mean that, in addition to a garage(s) (either attached or detached) as required by this title, the size of the accessory building does not exceed 20 percent of the living area of the dwellings. (Ord. 88-14).

(D) Family day care centers limited to six (6) paying guests.

(E) Family day care centers for 7-12 paying guests when the following criteria are met:

1. At least one off-street parking space shall be provided for each employee.

2. There are no other day care centers for more than six paying guest within 300 feet of the exterior boundaries of the subject site.

3. In addition to the required employee parking, there shall be provided at least two off-street parking spaces for loading and unloading of guests. These spaces shall be located so that vehicles head in and head out without using the public street for maneuvering, loading, or unloading.

(F) Home occupations as defined in Section 153.003 and governed under Title 11 Section 110 of the City Code.

(G) Public parks and public buildings.

(H) Temporary real estate office and sign (not to exceed 100 square feet in area) may be located on any new subdivision for a period of not more than two years from the date of recording of the map of the subdivision upon which said office and sign are located. This time limit shall automatically be extended under the conditions described in Section 153.285(A)(1)(g).

(I) Temporary construction building to house tools and equipment or containing supervisory offices in connection with construction projects during active construction on the same property.

(J) Residential care homes in which less than seven persons not of the immediate family are provided with food, shelter and care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to diagnosis and treatment of disease or injury.

(K) Signs as allowed in Sections 153.280 through 153.285 of this Title.

(L) Temporary uses such as a circus, carnival, fair or festival provided they meet the following requirements:

1. The use shall be temporary in nature and shall not last more than four days.

2. The organizers of the event shall notify the Police Department of their intentions at least 30 days prior to the scheduled beginning of the event.

3. A business license shall be obtained as required by Title 11 Section 110.18 of the City Code.

4. Licenses will only be issued to local businesses or shopping centers when conducted

on the same property as the business/shopping center or to local non-profit organizations.

(M) Temporary mobile home for ill or aged family members as required by Section 153.219 of this Title.

(N) Garage sales as defined in Section 153.003 of this Title.

SECTION 153.047 USES PERMITTED WITH A USE PERMIT

(A) Churches and other religious institutions (excluding open-air or tent).

(B) Schools, public utilities, and quasi-public buildings.

(C) Public or private automobile parking lots when adjacent to any "C" or "M" district or to any "PD" district which is used for commercial or industrial purposes.

(D) Mobile home park which meets the "Mobile Home Park Standards" as adopted by resolution of the City Council.

(E) Family day care centers for 7-12 paying guests when the requirements of Section 153.046 of this Title are not met.

(F) Duplex parcels with no direct frontage on a City maintained street.

(G) Accessory buildings that do not meet the requirements of Section 153.046(C) of this Title.

(H) Secondary dwelling unit as provided for in Sections 153.325 and 153.326 of this Title; Ord. 92-06; Amended Ord. 97-03)

SECTION 153.048 BUILDING REQUIREMENTS

(A) Height Limit:

1. For dwellings and other main buildings - 35 feet.

2. For accessory buildings - 15 feet.

3. No fence (excluding wire fences, and non-solid fences which do not limit visibility as determined by the Planning Director) shall be constructed in excess of eight (8) feet in height within any side or rear yard, except fences within the side or rear yard which encloses electrical substations, which may be constructed to the height required by law.

4. No fence, hedge, or screen planting (excluding wire fences, and non-solid fences which

do not limit visibility as determined by the Planning Director) shall be constructed or permitted to grow in excess of three (3) feet in height within any front yard or side yard of a corner lot.

(B) Building Site Area Required:

1. Minimum area - 6000 square feet.

2. Minimum width, interior lot - 55 feet.

3. Minimum width, corner lot - 65 feet. (Ord. 87-11)

4. Minimum depth - 100 feet unless otherwise approved by the Planning Commission or City Council, whichever is the final decision making body. Plot plans of lots for which less than the minimum depth is requested may be required to ensure that the lot is usable for residential purposes.

(C) Yards and Open Spaces Required

1. Front yard and side yard of a corner lot - Not less than 15 feet from the planned right-of-way line provided that no vehicle opening of any building is closer than 20 feet to the property line or planned right-of-way line toward which the opening faces.

2. Side or rear yard when lot abuts an arterial - 10 feet.

3. Side or rear yard, interior lot, all other cases - 5 feet.

4. Detached accessory buildings - 10 feet from any other buildings on the lot. (Ord. 90-01)

(D) Lot Coverage: No more than 50% of the lot may be covered by buildings.

(E) Off-street parking as required in Section 153.184 of this Title.

(F) Minimum Building Size:

1. Single family dwellings and mobile homes - 900 square feet.

2. All other uses - No minimum size.

(G) Density: Maximum permissible density of 12 dwelling units per net acre. (Ord. 87-11)

(H) OPEN SPACE REQUIREMENTS: All multiple residential uses of two (2) or more dwelling units on one lot shall provide a fenced play ground (or other open space in the case of an adult only facility) of at least fifty (50) square feet per unit with a minimum area of 300 square feet provided regardless of the number of units. This area shall not be a lineal open space but should have a

width to depth ratio not exceeding 1:2. Except in very large complexes (more than 50 units) this required open space shall be in one location.

CHAPTER 153
Duplex Residential Zoning District R-2

SECTION:

153.045	**Regulations**
153.046	**Uses Permitted**
153.047	**Uses Permitted With a Use Permit**
153.048	**Building Requirements**

SECTION 153.045 REGULATIONS

The following regulations shall apply in the R-2 districts and shall be subject to the provisions of Section 153.185 of this Title.

SECTION 153.046 USES PERMITTED

(A) A single family dwelling or one duplex, or two dwelling units, except that on parcels with no direct frontage on a City maintained street, only one single family dwelling is permitted.

(B) In lieu of all the residential uses listed in Section (A), one mobile home per lot provided that the mobile home meets the following restrictions:

1. Mobile homes must have been constructed after October 1976.

2. Mobile homes must be on a foundation system approved by resolution of the City Council.

3. All mobile homes shall be subject to review and approval by the Planning Director with respect to siding material, roofing materials and roof overhang to ensure, to the greatest extent feasible, compatibility with surrounding structures. A pictorial representation of the proposed mobile home shall be submitted with the application.

4. No other dwelling units (i.e. single family or duplex) shall be allowed on the same lot. (Ord. 87-11).

(C) Accessory buildings normally incidental to dwellings provided that such buildings are constructed concurrent with, or subsequent to the construction of the dwellings. "Normally incidental" shall be deemed to mean that, in addition to a garage(s) (either attached or detached) as required by this title, the size of the accessory building does not exceed 20 percent of the living area of the dwellings. (Ord. 88-14).

(D) Family day care centers limited to six (6) paying guests.

(E) Family day care centers for 7-12 paying guests when the following criteria are met:

1. At least one off-street parking space shall be provided for each employee.

2. There are no other day care centers for more than six paying guest within 300 feet of the exterior boundaries of the subject site.

3. In addition to the required employee parking, there shall be provided at least two off-street parking spaces for loading and unloading of guests. These spaces shall be located so that vehicles head in and head out without using the public street for maneuvering, loading, or unloading.

(F) Home occupations as defined in Section 153.003 and governed under Title 11 Section 110 of the City Code.

(G) Public parks and public buildings.

(H) Temporary real estate office and sign (not to exceed 100 square feet in area) may be located on any new subdivision for a period of not more than two years from the date of recording of the map of the subdivision upon which said office and sign are located. This time limit shall automatically be extended under the conditions described in Section 153.285(A)(1)(g).

(I) Temporary construction building to house tools and equipment or containing supervisory offices in connection with construction projects during active construction on the same property.

(J) Residential care homes in which less than seven persons not of the immediate family are provided with food, shelter and care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to diagnosis and treatment of disease or injury.

(K) Signs as allowed in Sections 153.280 through 153.285 of this Title.

(L) Temporary uses such as a circus, carnival, fair or festival provided they meet the following requirements:

1. The use shall be temporary in nature and shall not last more than four days.

2. The organizers of the event shall notify the Police Department of their intentions at least 30 days prior to the scheduled beginning of the event.

3. A business license shall be obtained as required by Title 11 Section 110.18 of the City Code.

4. Licenses will only be issued to local businesses or shopping centers when conducted on the same property as the business/shopping center or to local non-profit organizations.

(M) Temporary mobile home for ill or aged family members as required by Section 153.219 of this Title.

(N) Garage sales as defined in Section 153.003 of this Title.

SECTION 153.047 USES PERMITTED WITH A USE PERMIT

(A) Churches and other religious institutions (excluding open-air or tent).

(B) Schools, public utilities, and quasi-public buildings.

(C) Public or private automobile parking lots when adjacent to any "C" or "M" district or to any "PD" district which is used for commercial or industrial purposes.

(D) Mobile home park which meets the "Mobile Home Park Standards" as adopted by resolution of the City Council.

(E) Family day care centers for 7-12 paying guests when the requirements of Section 153.046 of this Title are not met.

(F) Duplex parcels with no direct frontage on a City maintained street.

(G) Accessory buildings that do not meet the requirements of Section 153.046(C) of this Title.

(H) Secondary dwelling unit as provided for in Sections 153.325 and 153.326 of this Title; Ord. 92-06; Amended Ord. 97-03)

SECTION 153.048 BUILDING REQUIREMENTS

(A) Height Limit:

1. For dwellings and other main buildings - 35 feet.

2. For accessory buildings - 15 feet.

3. No fence (excluding wire fences, and non-solid fences which do not limit visibility as determined by the Planning Director) shall be constructed in excess of eight (8) feet in height within any side or rear yard, except fences within the side or rear yard which encloses electrical substations, which may be constructed to the height required by law.

4. No fence, hedge, or screen planting (excluding wire fences, and non-solid fences which do not limit visibility as determined by the Planning Director) shall be constructed or permitted to grow in excess of three (3) feet in height within any front yard or side yard of a corner lot.

(B) Building Site Area Required:

1. Minimum area - 6000 square feet.

2. Minimum width, interior lot - 55 feet.

3. Minimum width, corner lot - 65 feet. (Ord. 87-11)

4. Minimum depth - 100 feet unless otherwise approved by the Planning Commission or City Council, whichever is the final decision making body. Plot plans of lots for which less than the minimum depth is requested may be required to ensure that the lot is usable for residential purposes.

(C) Yards and Open Spaces Required

1. Front yard and side yard of a corner lot - Not less than 15 feet from the planned right-of-way line provided that no vehicle opening of any building is closer than 20 feet to the property line or planned right-of-way line toward which the opening faces.

2. Side or rear yard when lot abuts an arterial - 10 feet.

3. Side or rear yard, interior lot, all other cases - 5 feet.

4. Detached accessory buildings - 10 feet from any other buildings on the lot. (Ord. 90-01)

(D) Lot Coverage: No more than 50% of the lot may be covered by buildings.

(E) Off-street parking as required in Section 153.184 of this Title.

(F) Minimum Building Size:

1. Single family dwellings and mobile homes - 900 square feet.

2. All other uses - No minimum size.

(G) Density: Maximum permissible density of 12 dwelling units per net acre. (Ord. 87-11)

(H) OPEN SPACE REQUIREMENTS: All multiple residential uses of two (2) or more dwelling units on one lot shall provide a fenced play ground (or other open space in the case of an adult only facility) of at least fifty (50) square feet per unit with a minimum area of 300 square feet provided regardless of the number of units. This area shall not be a lineal open space but should have a width to depth ratio not exceeding 1:2. Except in very large complexes (more than 50 units) this required open space shall be in one location.

CHAPTER 153
Multiple Family Residential Zoning District R-3

SECTION:

153.060	**Regulations**
153.061	**Uses Permitted**
153.062	**Uses Permitted With A Use Permit**
153.063	**Building Requirements**
153.064	**Development Standards**

153.060 REGULATIONS

The following regulations shall apply in all R-3 districts and shall be subject to the provisions of Sections 153.180 through 153.185 of this Title.

153.061 USES PERMITTED

(A) Single family, duplex and multiple family dwellings, apartment houses, dwelling groups, except that on parcels with no direct frontage on a City maintained street, only one single family dwelling is permitted.

(B) In lieu of all the residential uses listed in Section (A) above, one mobile home per lot provided that the mobile home meets the following restrictions:

1. Mobile homes must have been constructed after October 1976.

2. Mobile homes must be on a foundation system approved by resolution of the City Council.

3. All mobile homes shall be subject to review and approval by the Planning Director with respect to siding material, roofing materials and roof overhang to ensure, to the greatest extent feasible, compatibility with surrounding structures. A pictorial representation of the proposed mobile home shall be submitted with the application.

4. No other dwelling units (i.e. single family, duplex, multiple family, apartments or dwelling groups) shall be allowed on the same lot. (Ord. 87-11)

(C) Accessory buildings normally incidental to permitted uses provided that such buildings are constructed concurrent with, or subsequent to the construction of the permitted use. "Normally incidental" shall be deemed to mean that in addition to a garage(s) (either attached or detached) as required by this title, the size of the accessory building does not exceed 20 percent of the area of the main building. (Ord. 88-14)

(D) Family day care centers limited to six (6) paying guests.

(E) Family day care centers for 7-12 paying guests when the following criteria are met:

1. At least one off-street parking space shall be provided for each employee.

2. There are no other day care centers for more than six paying guests within 300 feet of the exterior boundaries of the subject site.

3. In addition to the required employee parking, there shall be provided at least two off-street parking spaces for loading and unloading of guests. These spaces shall be located so that vehicles head in and head out without using the public street for maneuvering, loading, or unloading.

(F) Home occupations as defined in Section 153.003 and is governed under Title 11 Section 110 of the City Code.

(G) Public parks and public buildings.

(H) Temporary real estate office and sign (not to exceed 100 square feet in area) may be located on any new subdivision for a period of not more than two years from the date of recording of the map of the subdivision upon which said office and sign are located. This time limit shall automatically be extended under the conditions described in Section 153.285(A)(1)(g).

(I) Temporary construction building to house tools and equipment or containing supervisory offices in connection with construction projects during active construction on the same property.

(J) Residential care homes in which less than seven persons not of the immediate family are provided with food, shelter and care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to diagnosis and treatment of disease or injury.

(K) Signs as allowed in Sections 153.280 through 153.285 of this Title.

(L) Temporary uses such as a circus, carnival, fair or festival provided they meet the following requirements:

1. The use shall be temporary in nature and shall not last more than four days.

2. The organizers of the event shall notify the Police Department of their intentions at least 30 days prior to the scheduled beginning of the event.

3. A business license shall be obtained as required by Section 110.18 of the City Code.

4. Licenses will only be issued to local businesses or shopping centers when conducted on the same property as the business/shopping center or to local non-profit organizations.

(M) Temporary mobile home for ill or aged family members as required by Section 153.219 of this Title.

(N) Garage sales as defined in Section 153.003 of this Title.

153.062 USES PERMITTED WITH A USE PERMIT

(A) Churches and other religious institutions (excluding open-air or tent).

(B) Schools, public utilities, and quasi-public buildings.

(C) Public or private automobile parking lots when adjacent to any "C" or "M" district or to any "PD" district which is used for commercial or industrial purposes.

(D) Hotels, rooming or boarding houses.

(E) Professional offices.

(F) Labor camp.

(G) Institutions for treatment of alcoholics.

(H) Mobile home park which meets the "Mobile Home Park Standards" as adopted by resolution of the City Council.

(I) Family day care centers for 7-12 paying guests when the requirements of Section 153.061(E) of this Title are not met.

(J) Duplex and multiple family dwellings, apartment houses and dwelling groups on parcels with no direct frontage on a City maintained street.

(K) Accessory buildings that do not meeting the requirements of Section 153.061(C).

(L) Residential care homes for more than seven persons.

(L) Secondary dwelling unit as provided for in Sections 153.325 and 153.326 of this Title.
(Ord. 92-06; Amended Ord. 97-03)

153.063 BUILDING REQUIREMENTS

(A) Height Limit:

1. For dwellings and other main buildings - Three (3) stories but in no case to exceed 45 feet.

2. For accessory buildings - 15 feet.

3. No fence (excluding wire fences, and non-solid fences which do not limit visibility as determined by the Planning Director) hall be constructed in excess of eight (8) feet in height within any side or rear yard, except fences within the side or rear yard which encloses electrical substations, which may be constructed to the height required by law.

4. No fence, hedge, or screen planting (excluding wire fences, and non-solid fences which do not limit visibility as determined by the Planning Director) shall be constructed or permitted to grow in excess of three (3) feet in height within any front yard or side yard of a corner lot.

(B) Building Site Area Required:

1. Minimum area:

a. For one and two family dwellings or non-dwelling main buildings 6000 square feet.
b. For each unit in excess of two dwelling units - 2000 square feet, not to exceed 20 units per net acre.

2. Minimum width, interior lot - 55 feet.

3. Minimum width, corner lot - 65 feet. (Ord. 87-11)

4. Minimum depth - 100 feet unless otherwise approved by the Planning Commission or the City Council, whichever is the final decision making body. Plot plans of lots for which less than the minimum depth is requested may be required to ensure that the lot is usable for residential purposes. (Ord 88-14)

(C) Yards and Open Spaces Required

1. Front yard and side yard of a corner lot - Not less than 15 feet from the planned right-of-way line provided that no vehicle opening of any building is closer than 20 feet to the property line or planned right-of-way line toward which the opening faces.

2. Rear Yard when lot backs up to an arterial -10 feet.

3. Side or rear yard, interior lot, all other cases - 5 feet.

4. Detached accessory buildings or additional dwelling - 10 feet from any other buildings.

(D) Yards and Open Spaces Required, uses other than single family dwellings, duplexes, and

triplexes. The minimum setbacks shall be as required by Section 153.183(D) of this Title. (Ord. 90-01)

(E) Lot Coverage: No more than 60% of the lot may be covered by buildings.

(F) Floor Area Ratio Requirements:

1. For single story buildings - 0.60:1.0
2. For two story buildings - 0.80:1.0
3. For three story buildings - 1.20:1.0

(G) Minimum Building Size:

1. Single family dwellings and mobile homes - 900 square feet.
2. All other uses - No minimum size.

153.064 DEVELOPMENT STANDARDS

(A) Trash *Storage Area.* Trash bins (except single family dwellings, duplexes, or dwelling groups) shall be provided in a fully enclosed trash storage area. This area or areas shall be provided at locations that are readily accessible to residents and sanitation collectors. (Ord. 87-11)

(B) Landscaping *Plan.* Landscaping plan for all uses (except single family dwellings, duplexes and triplexes) including plant species, initial size, location, growth characteristics and method of irrigation shall be approved by the Planning Director prior to issuance of any permit. Such required landscaping shall be installed prior to final inspection and shall be maintained by the property owner. Approval shall be based on the degree of compliance with Landscape Standards as adopted from time to time by the City Council. (Ord. 87-11; Amended Ord. 89-22)

(C*) Off-street Parking*. Off-street parking as required in Section 153.184)

(D) Fencing. A six-foot high solid fence shall be constructed along side and rear property lines, except as otherwise prohibited in this Chapter, for all apartments, dwelling groups and multiple family dwellings. (Ord. 87-11)

(E) *Open Space Requirements.* All multiple residential uses of two (2) or more dwelling units on one lot shall provide a fenced play ground (or other open space in the case of an adult only facility) of at least fifty (50) square feet per unit with a minimum area of 300 square feet provided regardless of the number of units. This area shall not be a lineal open space but should have a width to depth

ratio not exceeding 1:2. Except in very large complexes (more than 50 units) this required open

space shall be in one location. (Ord. 89-22)

(F) *Site Plan Review*: Proposals to construct any thing other than a single family dwelling, a duplex,
a triplex or a four-plex on a parcel shall be subject to site plan review by the Planning Commission prior to issuance of a building permit. This review shall include, but not be limited to, comparison of the project with the Architectural and Subdivision Design Standards as adopted by the City Council. (Ord. 90-01)

CHAPTER 153
Neighborhood Commercial Zoning District (C-1)

SECTION:

153.075	**Regulations**
153.076	**Uses Permitted**
153.077	**Uses Permitted With a Use Permit**
153.078	**Building Requirements**
153.079	**Development Standards**

153.075 REGULATIONS

The following regulations shall apply in all C-1 districts and shall be subject to the provisions of Section 153.180 through 153.185 of this Title.

153.076 USES PERMITTED

The following uses shall be allowed providing that (a) the use is conducted wholly within an enclosed building or within a six (6) foot high solid uniformly painted fence, and; (b) no operation shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration or electrical interference detectable off the site.

(A) Churches (excluding open-air or tent), day care centers, private or vocational schools, and public swimming pools.

(B) Offices, professional and other.

(C) Parking lots

(D) Public or quasi-public utilities and buildings except those listed in Section 153.077(I) of this Title.

(E) Retail sales only when conducted entirely within an enclosed building including:

1. Appliance (sales and service)
2. Bakery (no baking permitted on-site)
3. Camera
4. Candy (no candy-making on-site)
5. China

6. Clothing

7. Confections
8. Drapery (sewing and sales)
9. Pharmacy
10. Dry goods
11. Florists
12. Food
13. Groceries
14. Ice dealer (less than 5 tons, sales only)
15. Jewelry (excluding wholesale manufacture)
16. Liquor store
17. News dealer
18. Radio (sales and service)
19. Shoes
20. Stationery
21. Television (sales and service)
22. Variety
23. Other uses which are determined by the Community Development Director to be similar

(F) Service establishments only when conducted entirely within an enclosed building, including bank, barber shop, beauty shop, cafe, clinic (except veterinary), delicatessen, dressmaking, ice cream parlor, launderette, restaurant, tailor and upholstery.

(G) Garage sales as defined in Section 153.003 of this Title.

(H) Signs as allowed in Sections 153.280 through 153.285 of this Title.

(I) Temporary construction building to house tools and equipment or containing supervisory offices in connection with construction projects during active construction on the same property.

(J) Temporary uses such as a circus, carnival, fair or festival provided they meet the following requirements:

1. The use shall be temporary in nature and shall not last more than four days.

2. The organizers of the event shall notify the Police Department of their intentions at least 30 days prior to the scheduled beginning of the event.

3. A business license shall be obtained as required by Section 118-18 of the City Code.

4. Licenses will only be issued to local businesses or shopping centers when conducted on the same property as the business/shopping center or to local non-profit organizations.

5. The use need not be in an enclosed building or fenced.

(K) Home occupations as defined in Section 153.003 and regulated in Title 11 Section 110 when conducted within an existing home.

(L) Accessory buildings normally incidental to permitted uses provided that such buildings are constructed concurrent with, or subsequent to the construction of the permitted use. (Ord. 98-02)

153.077 USES PERMITTED WITH A USE PERMIT

(A) Alcohol treatment center, hospital (including mental and sanitarium).

(B) Bakery or candy store where baked goods or candy are made on the premises.

(C) Borrow pit to a depth of more than 3 feet.

(D) Church (including open-air), fairgrounds, and race track other than as allowed in Section 153.076(J).

(E) Duplex, dwelling group, labor camp, single family dwelling or mobile home park which meets the "Mobile Home Park Standards" as adopted by resolution of the City Council. (Ord. 88-14)

(F) Hobby kennels that meet the following requirements:

1. No more than 10 dogs over 4 months old.

2. All dogs must be owned by the property owner.

3. Kennel must be accessory to existing single family dwelling.

(G) Natural mineral resources, the development of, or exploration for, together with the necessary buildings, apparatus, or appurtenances incidental thereto.

(H) Second hand stores or used merchandise (the sale of secondhand automobiles, wrecked automobiles and junk are prohibited) offered for sale provided that all materials displayed or offered for sale be within an enclosed building. (Ord. 98-02)

(I) Utility facilities including communication equipment buildings and electrical substations, together with the necessary buildings, apparatus or appurtenances thereto.

(J) One mobile home if the following requirements are met:

1. The mobile home shall be clearly secondary to the commercial use of the property.

2. There are no other residences on the property.

3. The mobile home shall not be rented or leased independent of the principal use to which it is necessary.

4. The exterior of the mobile home shall be compatible with the commercial building(s) on the property.

5. The permit shall be reviewed annually to ensure continued compliance with the provisions of this Title.

6. A finding shall be made that other feasible security measures have been tried and that there is a demonstrated need for additional security.

(K) Apartments, boarding houses, multiple dwelling, dwelling groups and rooming houses provided it is determined that the use will not adversely affect commercial uses in the area and that commercial uses will not adversely affect the proposed use.

(L) Service stations (excluding major repair)

(M) Residential care homes for more than seven persons provided it is determined that the care home will not adversely affect commercial uses in the area and that commercial uses will not adversely affect the proposed care home.

153.078 BUILDING REQUIREMENTS

(A) Height Limit:

1. No structure (excepting conventional television aerials) shall exceed two stories or 35 feet.

2. No fence, hedge, or screen planting (excluding wire fences, and non-solid fences which do not limit visibility as determined by the Planning Director) shall be constructed or permitted to grow in excess of three (3) feet in height within any front yard or side yard of a corner lot.

(B) Building Site Area Required:

1. Minimum area, dwellings:

    a. For one and two family dwellings - 6000 square feet.
    b. For each unit in excess of two dwelling units - 2000 square feet, not to exceed 20 units per net acre.

2. Minimum area, commercial uses - Sufficient to provide the minimum yard and parking requirements.

3. Minimum width, interior lot - 55 feet.

4. Minimum width, corner lot - 65 feet.

5. Minimum depth - 100 feet. (Ord. 87-11)

(C) Yards and Open Spaces Required - Single family dwellings, duplexes, and triplexes

1. Front yard and side yard of a corner lot - None except that a building shall not be closer than 10 feet to any street less than 70 feet in width.

2. Side or rear yard, interior lot - None except if the C-1 district abuts an "R" district the side yard shall be 5 feet.

3. Detached accessory buildings - 10 feet from any other buildings on the lot.

4. No vehicle opening of a building shall be closer than 20 feet to the property line or planned right-of-way line towards which the opening faces.

(D) Yards and Open Spaces Required - Uses other than single family dwellings, duplexes, and triplexes

1. Front, side or rear yard - The minimum setbacks shall be as required by Section 153.183(D).

2. Detached accessory buildings - 10 feet from any other buildings on the lot.]

3. No vehicle opening of a building shall be closer than 20 feet to the property line or planned right-of-way line towards which the opening faces.

4. Loading docks shall be so located that trucks will head in and head out and not use the public street for maneuvering, loading and unloading. (Ord. 90-01)

(E) Floor Area Ratio Requirements - Residential Uses:

1. For single story buildings - 0.60:1.0

2. For two story buildings - 0.80:1.0

153.079 DEVELOPMENT STANDARDS

(A) *Nuisances*: No operation shall be conducted on any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke vibration or electrical interference detectable off the site. (Ord. 87-11)

(B) *Screening:* An eight (8) foot high solid, decorative masonry wall shall be constructed along the property line adjacent to any residential zone or any PD zoning for residential use except that no such wall shall be required if said property line abuts an alley. (Ord. 90-01)

(C) *Landscaping*: A landscaping plan for all uses (except single family dwellings, duplexes and tri-plexes) including plant species, initial size, location, growth characteristics and method of irrigation shall be approved by the Planning Director prior to issuance of any permit. Such required landscaping shall be installed prior to final inspection and shall be maintained by the property owner. Approval shall be based on the degree of compliance with Landscape Standards as adopted from time to time by the City Council. (Ord. 87-11; Amended Ord. 89-22)

(D) Trash *Storage Area.* Trash bins (except single family dwellings, duplexes, or dwelling groups) shall be provided in a fully enclosed trash storage area. This area or areas shall be provided at locations that are readily accessible to residents and sanitation collectors.

(E) Off-*street Parking.* Off-street parking shall be provided as required in Section 10-13-5. A circulation plan for all non-residential uses shall be required for all new development and shall include truck loading and unloading facilities. (Ord. 87-11)

(F) *Open Space Requirements*: All multiple residential uses of two (2) or more dwelling units on one lot shall provide a fenced play ground (or other open space in the case of an adult only facility) of at least fifty (50) square feet per unit with a minimum area of 300 square feet provided regardless of the number of units. This area shall not be a lineal open space but should have a width to depth ratio not exceeding 1:2. Except in very large complexes (more than 50 units) this required open space shall be in one location. (Ord. 89-22)

(G) Site *Plan Review*: Proposals to construct any thing other than a single family dwelling, a duplex, a triplex or a four-plex on a parcel shall be subject to site plan review by the Planning Commission prior to issuance of a building permit. This review shall include, but not be limited to, comparison of the project with the Architectural and Subdivision Design Standards as adopted by the City Council. (Ord. 90-01)

CHAPTER 153
General Commercial Zoning District (C-2)

SECTION:

153.090	**Regulations**
153.091	**Uses Permitted, Planned Development Commercial**
153.092	**Uses Permitted, Commercial**
153.093	**Uses Permitted With a Use Permit**
153.093	**Building Requirements**
153.094	**Development Standards**

153.090 REGULATIONS

The following regulations shall apply in all C-2 districts and shall be subject to the provisions of Sections 153.180 through 153.185 of this Title.

153.091 USES PERMITTED, PLANNED DEVELOPMENT COMMERCIAL

For properties designated Planned Development Commercial on the Land Use Element of the Riverbank General Plan, any change in existing use of the property shall require an application for, and approval of, a Planned Development Zone to conform with the requirements of Sections 153.160 through 153.164 of this Title.

153.092 USES PERMITTED, COMMERCIAL

For those properties designated Commercial on the Land Use Element of the Riverbank General Plan the following are permitted uses providing that (a) the use is conducted wholly within an enclosed building or within a six (6) foot high solid, uniformly painted fence, and; (b) no operation shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration or electrical interference detectable off the site.

(A) Hotels and motels.

(B) Churches (excluding open-air or tent), day care centers, vocational schools, and public swimming pool.

(C) Clubhouse, community center, lodge, social hall.

(D) Offices, professional and other.

(E) Parking lots

(F) Public or quasi-public utilities and buildings except those listed in Section 153.093(M).

(G) Retail stores wares or other merchandise unless otherwise regulated by this Section.

(H) Second hand stores or used merchandise (operation or sale of second-hand automobiles, wrecked automobiles and junk are prohibited) offered for sale provided that all materials displayed or offered for sale be within an enclosed building. (Ord. 87-11; Amended Ord. 98-03)

(I) Service establishments including automobile steam cleaning, bank, bar, barbershop, bath, beauty shop, cafe, car wash, clinic, dance studio, delicatessen, delivery service, drapery cleaning, dressmaking, drive-in restaurant, equipment rental, ice cream parlor, laboratory experimental, motion picture, testing), launderette, laundry, meat locker, mini warehouses when enclosed by a solid masonry wall at least six (6) feet in height, museum, parking garage, photography, printing establishment, radio station, repair shops (appliance, radio, television), recreation center (when not otherwise regulated by this Chapter), restaurant, sign painting, tailor, taxi stand, television studio, theater, upholstery and veterinary. (Ord. 87-11)

(J) Stamps, rubber or metal (manufacture or assembly).

(K) Temporary construction building to house tools and equipment or containing supervisory offices in connection with construction projects during active construction on the same property

(L) Temporary uses such as a circus, carnival, fair or festival provided they meet the following requirements:

1. The use shall be temporary in nature and shall not last more than four days.

2. The organizers of the event shall notify the Police Department of their intentions at least 30 days prior to the scheduled beginning of the event.

3. A business license shall be obtained as required by Section 110.18 of the City Code.

4. Licenses will only be issued to local businesses or shopping centers when conducted on the same property as the business/shopping center or to local non-profit organizations.

5. The use need not be in an enclosed building or fence.

(M) Signs as allowed in Sections 153.280 through 153.285 of this Title.

(N) Garage sales as defined in Section 153.285 of this Title.

(O) Home occupations as defined in Section 153.03 and regulated in Title 11 Section110 when conducted within an existing home.

(P) Accessory buildings normally incidental to permitted uses provided that such buildings are constructed concurrent with, or subsequent to the construction of the permitted use. (Ord. 87-11)

(Q) Body and fender shops subject to the following restrictions:

1. There shall be no painting of any kind (including spot painting) on the premises.

2. All work shall be conducted within the building.

3. The area required to meet the off-street parking requirements of Section 153.184 (C) shall not be used to store cars for more than 24 hours.

4. All cars to be stored for more than 24 hours shall be stored within the building or in a storage area that is surrounded by a six foot high solid fence.

153.093 USES PERMITTED WITH A USE PERMIT, COMMERCIAL

For properties designated Commercial on the Land Use Element of the Riverbank General Plan the following uses are permitted subject to securing a Use Permit:

(A) Alcohol treatment center, hospital (including mental and sanitarium).

(B) Bakery or candy store where baked goods or candy are made on the premises. (Ord. 87-11)

(C) Body and fender shops if any painting is to be done subject to the following restrictions:

1. All work shall be conducted within the building.

2. The area required to meet the off-street parking requirements of Section 153.184 (C) shall not be used to store cars for more than 24 hours.

3. All cars to be stored for more than 24 hours shall be stores within the building or in a storage area that is surrounded by a six foot high solid fence.

(D) Borrow pit to a depth of more than 3 feet.

(E) Church (including open-air), fairgrounds, racetrack and open-air theater other than as allowed in Section 153.092(L).

(F) Contractor's yard, when enclosed within a six (6) foot high fence or screen planting.

(G) Hobby kennels that meet the following requirements:

1. No more than 10 dogs over 4 months old.

2. All dogs must be owned by the property owner.

3. Kennel must be accessory to existing single family dwelling.

(H) Labor camp, mobile home park.

(I) Natural mineral resources, the development of, or exploration for, together with the necessary buildings, apparatus, or appurtenances incidental thereto.

(J) Retail sales limited to boats, building materials, or lumberyards (must be enclosed by a 6 foot fence), mobile homes, trucks and similar uses.

(K) Second hand stores and used merchandise (the sale, storage or operation of automobile wrecking yards at prohibited), provided the following criteria is met and the findings established by Section 153.216, Use Permits.

1. Such business is carried on, maintained and conducted entirely inside an enclosed building or buildings or unless the premises on which such business is carried o, maintained or conducted be entirely enclosed by a solid masonry or wood fence or wall at least six feet (6') in height and constructed according to the requirements of the Building Code as adopted by Section 150.01.

2. Such fence or wall shall be maintained in a neat, substantial, safe conditions and shall be painted.

3. No merchandise of said business shall be piled or permitted to be piled in excess of The height of the enclosing fence or wall or nearer than two feet (2') thereto.

(L) Service establishments limited to bus terminals, carpet cleaning service, cemetery, draying/freighting/ storage (when provided with a lock box system so emergency personnel have access to information regarding materials currently stored on the property), massage parlor, mausoleum, and service station.

(M) Utility facilities including communication equipment buildings and electrical substations, together
with the necessary buildings, apparatus or appurtenances thereto.

(N) One mobile home if the following requirements are met:

1. The mobile home shall be clearly secondary to the commercial use of the property.

2. There are no other residences on the property.

3. The mobile home shall not be rented or leased independent of the principal use to which it is necessary.

4. The exterior of the mobile home shall be compatible with the commercial building(s) on the property.

5. The permit shall be reviewed annually to ensure continued compliance with the provisions of this Title.

6. A finding shall be made that other feasible security measures have been tried and that there is a demonstrated need for additional security.

(O) Apartments, boarding houses, multiple dwelling, dwelling groups and rooming houses provided it is determined that the use will not adversely affect commercial uses in the area and that commercial uses will not adversely affect the proposed use.

(P) Residential care homes for more than seven persons provided it is determined that the care home will not adversely affect commercial uses in the area and that commercial uses will not adversely affect the proposed care home. Ord. 89-03)

(Q) New and used car lots in which all of the cars are in operable conditions without major body damage which exceeds 20% of the fair market value of the vehicle. Such lots shall be paved, landscaped with automatic irrigation system and shall include an office and rest room facilities. Used car lots need not be within an enclosed building or fence.

153.94 BUILDING REQUIREMENTS, COMMERCIAL

For properties designated Commercial on the Land Use Element of the Riverbank General Plan the following requirements apply:

(A) Height Limit:

1. No. building or structure shall exceed six stories or 70-feet, whichever is the lesser.

2. No fence, hedge, or screen planting (excluding wire fences, and non-solid fences which do not limit visibility as determined by the Planning Director) shall be constructed or permitted to grow in excess of three (3) feet in height within any front yard or side yard of a corner lot.

(B) Building Site Area Required:

1. Minimum area, residential:

a. First two units - 6000 square feet.

b. For each unit in excess of two dwelling units - 2000 square feet, not to exceed

20 units per net acre.

2. Minimum area, commercial uses - Sufficient to provide the minimum yard and parking requirements.

3. Minimum width, interior lot - 55 feet.

4. Minimum width, corner lot - 65 feet.

5. Minimum depth - 100 feet. (Ord. 87-11)

(C) Yards and Open Spaces Required

Front, side or rear yard – the minimum shall be as required by Section 153.183(D) – repealed by Ordinance No. 90-25, adopted January 14, 1991).

1. Front yard and side yard of a corner lot - None except no commercial or industrial building shall be closer to an "R" district than 10 feet or closer than 10 feet to any street less than 70-feet in width.

2. Side yard, interior lot - None, except if the C-2 District abuts an "R" district the side yard shall be 5-feet.

3. Rear yard - None.

4. Detached accessory buildings or additional dwelling - 10 feet from any other buildings on the lot.

5. No vehicle opening of a building shall be closer than 20-feet to the property line or planned right of way line towards which the opening faces.

6. Loading docks shall be so located that trucks will head in and head out and not use the public street for maneuvering, loading and unloading.

(D) Floor Area Ratio Requirements - Residential Uses:

1. For single story buildings - 0.60:1.0

2. For two story buildings - 0.80:1.0

3. For three story buildings - 1.20:1.0

SECTION 153.095 DEVELOPMENT STANDARDS, COMMERCIAL

For properties designated commercial on the Land Use element of the Riverbank General Plan the

following requirements apply:

(A) Nuisances*:* No operation shall be conducted on any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke vibration or electrical interference detectable off the site. (Ord. 87-11)

(B) *Screening*: An eight (8) foot high solid, decorative masonry wall shall be constructed along the property line adjacent to any residential zone or any PD zoning for residential use except that no such wall shall be required if said property line abuts an alley. (Ord. 90-01)

(C) *Landscaping*: A landscaping plan for all uses (except single family dwellings, duplexes and tri plexes) including plant species, initial size, location, growth characteristics and method of irrigation shall be approved by the Planning Director prior to issuance of any permit. Such required landscaping shall be installed prior to final inspection and shall be maintained by the property owner. Approval shall be based on the degree of compliance with Landscape Standards as adopted from time to time by the City Council. (Ord. 87-11; Amended Ord. 89-22)

(D) Trash *Storage Area.* Trash bins (except single family dwellings, duplexes, or dwelling groups) shall be provided in a fully enclosed trash storage area. This area or areas shall be provided at locations that are readily accessible to residents and sanitation collectors.

(E) Off-*Street Parking.* Off-street parking shall be provided as required in Section 153.184 of this Title. A circulation plan for all non-residential uses shall be required for all new development and shall include truck loading and unloading facilities. (Ord. 87-11)

(F) Open *Space Requirement:* All multiple residential uses of two (2) or more dwelling units on one lot shall provide a fenced play ground (or other open space in the case of an adult only facility) of at least fifty (50) square feet per unit with a minimum area of 300 square feet provided regardless of the number of units. This area shall not be a lineal open space but should have a width to depth ratio not exceeding 1:2. Except in very large complexes (more than 50 units) this required open space shall be in one location.

(G) Site *Plan Review*: Proposals to construct any thing other than a single family dwelling, a duplex, a triplex or a four-plex on a parcel shall be subject to site plan review by the Planning Commission prior to issuance of a building permit. This Architectural and Subdivision Design Standards as adopted by the City Council. (Ord. 90-01)

CHAPTER 153
Light Industrial Zoning District (M-1)

SECTION:

153.120	**Regulations**
153.121	**Uses Permitted**
153.122	**Uses Permitted With a Use Permit**
153.123	**Building Requirements**
153.124	**Development Standards**

153.120 REGULATIONS

The following regulations shall apply in all "M-1" districts and shall be subject to the provisions of Sections 153.180 through 153.185 of this Title.

153.121 USES PERMITTED

(A) Any use permitted in Section 10-8A-2 (Commercial-Industrial Zone) shall be permitted in the M-1 zone except dwellings unless otherwise specifically permitted in this district, hospitals, labor camps, schools, and recreation centers.

(B) Armature winding, brewery, communications equipment building, pumping plant, stone monument sales and cutting, stone processing, transfer, utility service yard and substations.

(C) Manufacture of advertising structures and billboards, business machines, candy, clothing, household equipment, musical instruments, novelties, printing establishments, shoes, soap (cold mix only), stamps (rubber and metal) textiles, and tiles (small wall and floor).

(D) Manufacture of assembly of previously prepared materials of bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, metals (precious or semi-precious), paper, plastics, rubber, shell, stone (precious or semi-precious), straw, textiles, or tobacco.

(E) Vocational schools or hospitals when incidental to and located upon the same property as a commercial or industrial use otherwise permitted in this district.

(F) Boat building (limited to those craft which may be transported over a State highway without permit) and boat sales.

(G) Contractor's yards when enclosed within a six foot high solid fence.

(H) Signs as allowed in Sections 153.280 through 153.285 of this Title.

(I) Garage sales as defined in Section 153.003 of this Title.

(J) Fortune telling as defined and regulated by Chapter 10 of Title 6 of the Riverbank City Code and provided that such establishments are located at least 1000 feet apart.

153.122 USES PERMITTED WITH A USE PERMIT

(A) Airport landing field. (Ord. 87-11)

(B) Battery rebuilding, plastic processing, poultry and rabbit processing, rubber processing, and slaughtering. (Ord. 88-14

(C) Amusement park, carnival, circus, fairgrounds, open-air church, open-air theater, and racetrack and recreation centers.

(D) Borrow pit to a depth of more than three feet.

(E) Ceramic products, manufacture of, using previously pulverized clay and kilns fired only by electricity or low-pressure gas.

(F) Cleaning (including carpet) and dyeing plant.

(G) Draying, freighting and storage when provided with a lock box system so emergency personnel have access to information regarding materials currently stored on the property.

(H) Dump, refuse disposal, and sewage disposal plant.

(I) Feed and fuel (solid) yard.

(J) Manufacture of cameras and photographic equipment, drugs, ice, perfumes, pharmaceuticals, toilet soap and toiletries.

(K) Natural mineral resources, the development of, or exploration for, together with the necessary buildings, apparatus, or appurtenances incidental thereto.

(L) One dwelling unit if the following requirements are met:

1. The dwelling unit shall be clearly secondary to the commercial use of the property.

2. There are no other residences on the property.

3. The dwelling unit shall not be rented or leased independent of the principal use to which it is necessary.

4. The exterior of any residential unit shall be compatible with the commercial building(s) on the property.

5. The permit shall be reviewed annually to ensure continued compliance with the provisions of this Title.

6. A finding shall be made that other feasible security measures have been tried and that there is a demonstrated need for additional security.

(M) Service stations.

(N) Tire recapping, rebuilding, re-treading.

(O) Warehouse, wholesale building. (Ord. 87-11)

(P) Automobile repair, bodywork, and steam cleaning subject to the following restrictions:

1. All work shall be conducted within the building.

2. The area required to meet the off-street parking requirements of Section 153.184 (C) shall not be used to store cards for more than 24 hours.

3. All cars to be stored for more than 24 hours shall be stored within the building or in a storage area that is surrounded by a six foot high solid fence. Ord. 88-14)

(Q) Food processing not otherwise listed. (Ord. 89-02)

153.123 BUILDING REQUIREMENTS

(A) Height Limit:

1. No building or structure shall exceed six (6) stories or 70 feet, whichever is the lesser.

2. No fence, hedge, or screen planting (excluding wire fences, and non-solid fences which do not limit visibility as determined by the Planning Director) shall be constructed or permitted to grow in excess of three (3) feet in height within any front yard or side yard of a corner lot.

(B) Building Site Area Required:

1. Minimum area - Sufficient to provide the minimum yard and parking requirements.

2. Minimum width, interior lot - 55 feet.

3. Minimum width, corner lot - 65 feet.

4. Minimum depth - 100 feet. (Ord. 87-11)

(C) Yards and Open Spaces Required

Front, side or rear yard – the minimum setbacks shall be as required by Section 153.183(D) – repealed by Ordinance No. 90-25, January 14, 1991.

1. Front yard and side yard of a corner lot - None except no building shall be closer than 10 feet to any street less than 70 feet in width.

2. Side yard, interior lots and rear yard - None except no building shall be erected closer than 15 feet to any "R" district.

3. Detached accessory buildings - 10 feet from any other buildings on the lot.

4. No vehicle opening of any building shall be closer than 20 feet to the property line or planned right-of-way line toward which the opening faces.

5. Loading docks shall be so located that trucks will head in and head out and not use the public street for maneuvering, loading and unloading. (Ord. 90-01)

153.124 DEVELOPMENT STANDARDS

(A) Nuisances: No operation shall be conducted on any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke vibration or electrical interference detectable off the site.

(B) Screening: An eight (8) foot high solid, decorative masonry wall shall be constructed along the property line adjacent to any residential zone or any PD zoning for residential use except that no such wall shall be required if said property line abuts an alley.

(C) Landscaping: A landscaping plan indicating plant species, initial size, location, growth characteristics and method of irrigation shall be approved by the Planning Director prior to issuance of any permit. Such required landscaping shall be installed prior to final inspection and shall be maintained by the property owner. Approval shall be based on the degree of compliance with Landscape Standards as adopted from time to time by the City Council.

(D) Trash *bins*: Fully enclosed trash storage areas shall be provided at locations that are readily

accessible to residents and sanitation collectors.

(E) Off-*Street Parking*. Off-street parking shall be provided as required in Section 10-13-5. A circulation plan for all non-residential uses shall be required for all new development and shall include truck loading and unloading facilities.

(F) *Site Plan Review*: Proposed buildings shall be subject to site plan review by the Planning Commission prior to issuance of a building permit. This review shall include, but not be limited to, comparison of the project with the Architectural and Subdivision Design Standards as adopted by the City Council.

CHAPTER 153
Heavy Industrial Zoning District (M-2)

SECTION:

153.135	**Regulations**
153.136	**Uses Permitted**
153.137	**Uses Permitted With a Use Permit**
153.138	**Building Requirements**
153.139	**Development Standards**

153.135 REGULATIONS

The following regulations shall apply in all "M-2" districts and shall be subject to the provisions of Sections 153.180 through 153.185 of this Title.

153.136 USES PERMITTED

(A) Any use permitted in Section 153.121 (Light Industrial District) shall be permitted in the "M-2" zone.

(B) Manufacture of alcohol, brick, concrete block, concrete products, linoleum, oilcloth, terracotta, and tile.

(C) Aircraft factory, blacksmith, boiler works, cotton gin, freight classification yard, railroad repair shop, and stone mill.

153.137 USES PERMITTED WITH A USE PERMIT

(A) Airport landing field. (Ord. 87-11)

(B) Automobile dismantling, battery rebuilding, blast furnace, coke oven, distillation of bones, fat rendering, garbage or dead animal disposal, plastic processing, poultry and rabbit processing, rock and gravel plant, rubber processing, slaughtering, smelting, stock yard, tannery, winery, wrecking yard, unless otherwise specifically allowed. (Ord. 87-11)

(C) Amusement park, carnival, circus, fairgrounds, open-air church, open-air theater, and racetrack and recreation centers.

(D) Acetylene gas (manufacture and storage), acid (manufacture and reclaiming), asphalt (manufacture and refining), foundry and fabricating plant, gas (manufacture and processing), natural gas processing, oil extracting, dehydration or reduction facilities, oil mill, petroleum (refining and storage), potash works, rolling mill, tar distillation, wood processing.

(D) Borrow pit to a depth of more than three feet.

(E) Ceramic products, manufacture of, using previously pulverized clay and kilns fired only by electricity or low-pressure gas.

(F) Cleaning (including carpet) and dyeing plant.

(G) Draying, freighting and storage when provided with a lock box system so emergency personnel have access to information regarding materials currently stored on the property.

(H) Dump, refuse disposal, and sewage disposal plant.

(I) Feed and fuel (solid) yard.

(J) Manufacturing and industrial uses not expressly permitted in Section 153.136

(K) Manufacture of ammonia, bleaching powder, cameras and photographic equipment, cement, drugs, explosives (including storage), fertilizer, glue, gypsum, ice, lamp black, lime, oil shellac, paint, paper, perfumes, petroleum products, pharmaceuticals, plaster of paris, plastic, roofing, soap (including toilet soap and toiletries), soda and compound, tar products, turpentine, and varnish.

(L) Natural mineral resources, the development of, or exploration for, together with the necessary buildings, apparatus, or appurtenances incidental thereto.

(M) One dwelling unit if the following requirements are met:

1. The dwelling unit shall be clearly secondary to the commercial use of the property.

2. There are no other residences on the property.

3. The dwelling unit shall not be rented or leased independent of the principal use to which it is necessary.

4. The exterior of any residential unit shall be compatible with the commercial building(s) on the property.

5. The permit shall be reviewed annually to ensure continued compliance with the provisions of this Title.

6. A finding shall be made that other feasible security measures have been tried and that there is a demonstrated need for additional security.

(N) Service stations.

(O) Storage of copper, junk, ore paper, rags, scrap, tin, or zinc when such storage is the primary

business.

(P) Tire recapping, rebuilding, re-treading.

(Q) Vocational schools or hospitals when incidental to and located upon the same property as a commercial or industrial use otherwise permitted in this district.

(R) Warehouse, wholesale building. (Ord. 87-11)

(S) Automobile repair, bodywork, and steam cleaning subject to the following restrictions:

1. All work shall be conducted within the building.

2. The area required to meet the off-street parking requirements of Section 153.184 (C) shall not be used to store cars for more than 24 hours.

3. All cars to be stored for more than 24 hours shall be stored within the building or in a storage area that is surrounded by a six foot high solid fence. (Ord. 88-14)

153.138 BUILDING REQUIREMENTS

(A) Height Limit:

1. No building or structure shall exceed six (6) stories or 70 feet, whichever is the lesser.

2. No fence, hedge, or screen planting (excluding wire fences, and non-solid fences which do not limit visibility as determined by the Planning Director) shall be constructed or permitted to grow in excess of three (3) feet in height within any front yard or side yard of a corner lot.

(B) Building Site Area Required:

1. Minimum area - Sufficient to provide the minimum yard and parking requirements.

2. Minimum width, interior lot - 55 feet.

3. Minimum width, corner lot - 65 feet.

4. Minimum depth - 100 feet.

(C) Yards and Open Spaces Required

1. Front yard and side yard of a corner lot - None except no building shall be closer than 10 feet to any street less than 70 feet in width.

2. Side yard, interior lots and rear yard - None except no building shall be erected closer than 15 feet to any "R" district.

3. Detached accessory buildings - 10 feet from any other buildings on the lot.

4. No vehicle opening of any building shall be closer than 20 feet to the property line or planned right-of-way line toward which the opening faces.

5. Loading docks shall be so located that trucks will head in and head out and not use the public street for maneuvering, loading and unloading.

153.139 DEVELOPMENT STANDARDS

(A) Nuisances*:* No operation shall be conducted on any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke vibration or electrical interference detectable off the site. (Ord. 87-11)

(B) Screening: An eight (8) foot high solid, decorative masonry wall shall be constructed along the property line adjacent to any residential zone or any PD zoning for residential use except that no such wall shall be required if said property line abuts an alley. Ord. 90-01)

(C) *Landscaping*: A landscaping plan indicating plant species, initial size, location, growth characteristics and method of irrigation shall be approved by the Planning Director prior to issuance of any permit. Such required landscaping shall be installed prior to final inspection and shall be maintained by the property owner. (Ord. 87-11; Amended Ord. 89-22)

(D) Trash *Bins.* Trash bins: Fully enclosed trash storage areas shall be provided at locations that are readily accessible to residents and sanitation collectors.

(E) Off-*Street Parking.* Off-street parking shall be provided as required in Section 10-13-5. A circulation plan for all non-residential uses shall be required for all new development and shall include truck loading and unloading facilities. (Ord. 87-11)

(F) Site *Plan Review*: Proposed buildings shall be subject to site plan review by the Planning Commission prior to issuance of a building permit. This review shall include, but not be limited to, comparison of the project with the Architectural and Subdivision Design Standards as adopted by the City Council. (Ord. 90-01)

CHAPTER 153
Flood Plain District (F)

SECTION:

153.150	**Regulations**
153.151	**Uses Permitted**

153.150 REGULATIONS

The following regulations shall apply in all regulations herein before specified therefore, and shall be subject to the provisions of Chapter I3 of this Title; for any district with which is combined and "F" District, then in such case the provisions of that Chapter shall govern.

151.151 USES PERMITTED

All uses permitted in the respective districts with which the "F" District is combined, subject to approval of design and location of building provided however, as follows:

(A) Foundation, walls, footing, and type of construction shall be of a type to withstand flood conditions.

(B) The main floor levels of all dwelling units shall not be lower than an elevation established by the Council as the flood plain. (Ord. 82-07I)

CHAPTER 153
Planned Development Zoning District (PD)

SECTION:

153.160	**Purpose and Intent**
153.161	**General Provisions**
153.162	**Master Plan**
153.163	**Development Plan**
153.164	**Property Development Standards**

SECTION 153.160 PURPOSE AND INTENT

The purpose of this District is to encourage a desired level of pre-planning for the development or redevelopment of land and to establish innovative design solutions while retaining good land use relationships and compatibility with adjoining property. This District's function is to facilitate the variation of standards of the Zoning Ordinance under proper planning and to achieve, where appropriate, unique and imaginative community design whenever it can be demonstrated that such variation will result in an environment superior to that possible under the normal application of City Standards. (Ord. 98-04)

153.161 GENERAL PROVISIONS

The following general provisions shall apply to all planned development (PD) districts.

A. No PD District shall be established on any parcels or a combination of parcels of less than one (1) acre.

B. The PD District shall be in compliance with the General Plan.

C. Each PD District shall be numbered, the first adopted being shown on the Zoning Map as PD (1) and each district subsequently adopted being numbered consecutively.

D. Development of a PD District may proceed by phases. Such phases shall be reasonable and logical in size, shape and function and in relationship to other development units within the District. A separate master plan and/or development plan shall be required for each phase of a development not included in the original master plan and/or development plan application.

E. All land in a proposed PD District shall be held in one (1) ownership or under unified control or have the written consent or agreement of all owners of property proposed for inclusion in the development.

F. The City may initiate a PD District where, in the opinion of the City, the establishment of such district is in the best interest of the City.

G. The Director of Planning and Community Development may authorize the review of the master plan and development plan simultaneously.

H. Compliance with any requirement shall not be construed to relieve an applicant from compliance with subdivision regulations, building code requirements or any other applicable regulations of the City.

I. Any change to an approved master plan or development plan shall be submitted to the Planning Commission and/or City Council for approval prior to said change going into effect. Minor modifications to the Master Plan or Development Plan may be approved by the Community Development Director as authorized by Section 153.162(D-6). Minor modifications considered and approved by the Community Development Director do not require public notice or hearing.

J. Previously approved Planned Developments which have since expired and are established with a PD (#) zone may be processed without a new Master Plan but shall be processed in accordance with Section 153.163. (Ord. 98-04)

153.162 MASTER PLAN

A. *Initiation of Application*: An application for a master plan for a PD District may be initiated by the property owner of record, an authorized agent or by the City in accordance with the procedures set forth in the City Code.

B. *Accompanying Documents*: An application for a PD District shall be accompanied by a master plan (maps and explanatory test) for the entire area and such other material as specified herein. A master plan need not be prepared when the City initiates the re-zoning to a Planned Development District.

C. *Master Plan Requirements:* Planned Development (PD) Zone District: The project master plan shall, when required, set for the following:

1. Location and boundaries for the area proposed for the PD District, including legal description.

2. Present and approximate proposed topography of the area including natural features that are to be retained (ie. Stands of trees, rock outcroppings, streams, etc.).

3. General categories of all proposed land uses including (but not limited to) residential, commercial and professional centers, public buildings, school sites, recreational facilities and all common open spaces.

4. Proposed densities of all areas indicated for residential development and coverage for

commercial and industrial development.

5. Proposed property development standards as applicable under Section 153.164.

6. The location and width of all public and private streets and easements.

7. General site data, including acreage in total development, total acreage in each density and land use classification, public facilities, school site and total acreage devoted to common open space.

D. *Review and Processing of Master Plans*: The project master plan shall be subject to review by the Community Development Department and subsequent adjudication by the Planning Commission and City Council as follows:

1. The Planning Commission shall hold a public hearing on such application and may approve or conditionally approve the master plan (rezone to PD) if it finds the criteria set forth herein have been satisfied.

2. The Planning Commission may recommend disapproval (rezone to PD) of the master plan if it finds that any of the criteria have not been satisfied or that the master plan would be detrimental to the health, safety, convenience or welfare of the public.

3. The decision and findings of the Planning Commission shall be forwarded along with the master plan (rezone to PD) to the City Council. The City Council shall hold a public hearing and either approve, conditionally approve or disapprove the master plan (rezone to PD). The decision of the City Council shall be final.

4. Public hearing procedures shall be governed by Chapter 16, Title 10 of the City Code.

5. An application for a PD district master plan shall be accompanied by a filing fee as established by resolution, from time to time, by the City Council. The applicant shall also be responsible for all costs associated with the review of the master plan (rezone to PD) by the City Engineer and other consultants to the City.

6. An adopted master plan may be modified upon approval by the Director of Planning and Community Development. Any modification shall be approved only when, in the opinion of the Director of Planning and Community Development, such modification is deemed minor in nature.

7. Where the City initiates the rezone to PD a master plan shall not be required.

E. *Required Findings of Fact*: The Planning Commission, after a public hearing, may recommend the establishment of a master plan, PD district, and the City Council, after a public hearing, may by ordinance establish a PD district; provided, they find that the facts submitted with the application

and presented at the public hearings confirm:

1. That each individual unit of the development if built in stages, as well as the total development, can exist as an independent unit capable of creating a good environment in the locality and being in any stage as desirable and stable as the total development.

2. That the uses proposed will not be a detriment to the present and proposed surrounding land uses, but will enhance the desirability of the area and have a beneficial effect.
3. That any deviation from the standard ordinance requirements is warranted by the unusual design and additional amenities incorporated in the development plan which offer certain redeeming features to compensate for any deviations that may be permitted, and

4. That the principles incorporated in the proposed master plan identify unique characteristics which could not otherwise be achieved under the other zoning districts.

5. Where a PD rezone is initiated by the previous finds are not required nor is a master plan required.

153.163 DEVELOPMENT PLAN

A. *Application:*

1. After the establishment of a PD district (approval of a MASTER PLAN, where required), an application for a development plan which is in conformance with the approved project master plan shall be filed with the Planning Department and the applicable filing fee paid. The applicant shall also be responsible for all costs associated with the review of the development plan by the City Engineer.

2. A development plan application shall be processed in the same manner as a conditional use permit and submitted to the Planning Commission for approval. Modification's to previously approved development plan shall be processed in the same manner as a conditional use permit.

3. Where a master plan is not required and the PD rezone was initiated by the City, a development plan shall be judged upon its merits in accordance with the intent of the PD district.

B. *Scope of Development Plan; Amendments*:

1. A development plan may cover all or a portion of the area included in the PD district. No building permit shall be issued for any new building or structure unless a development plan has been approved as specified herein. An approved development plan may be modified upon approval by the

Director of Planning and Community Development. Such modification shall be approved only when, in the opinion of the Director of Planning and Community Development, such modification is deemed minor in nature.

2. Minor modifications may include the addition to existing buildings which do not exceed 5% of the existing floor area. Modification to signs where the square footage is not increased more than 10% of the existing square footage.

3. The Community Development Director may approve other minor modifications that may include modification to landscape and irrigation plans, treatment of and design of screening, including fences and re-configuration of on-site circulation and parking design that may be a benefit to the project.

C. *Development Plan Requirements.*

The development plan shall set forth the following and shall be presented in the form as may be required by the Director of Planning and Community Development.

1. The exact boundaries and legal description of the property to be developed.

2. All proposed improvements that are to be constructed on the land and their specific locations including but not limited to all residential and nonresidential structures, recreational facilities and typical plans showing walls, fences, trash areas, streets and walk areas.

3. Common open space showing size, general grades and function upon completion, where appropriate.

4. The location and dimension of all off-street parking facilities, public and private.

5. Location and size of all public and quasi-public sites, if applicable (i.e.,. schools, churches, parks, etc.)

6. A tabulation of the percentage of total building coverage (enclosed structures) of the development for each land use classification.

7. A tabulation of densities within each project area or sector.

8. Building elevation of the architectural style(s) to be constructed. Elevations shall identify exterior materials, type of roofing, screening of mechanical equipment both on the ground and roof - mounted, and color scheme. All structures shall be designed and oriented for passive energy savings.

9. A schematic landscaping plan indicating the type and size of plant

material to be used and the method of providing permanent maintenance to all planted areas and open space. This shall include a street tree-planting plan in accordance with Section 3-1-2 of the City Code.

10. If applicable, a subdivision map showing land divisions. The tentative and final subdivision map shall comply with the State Subdivision Map Act and Title 11 of the City Code with the exception that any permit issued in conjunction with a tentative subdivision map shall expire no sooner than the approved tentative map, or any extension hereof.

11. An anticipated development schedule from ground breaking to occupancy.

12. Optional items such as an economic feasibility study, traffic and noise analysis may be required at the discretion of the Community Development Director.

D. *Design Guidelines.*

The following design guidelines are established for all PD Districts:

1. The overall plan shall achieve a harmonious and integrated relationship between the land, buildings and uses.

2. Private and common open space, pedestrian and vehicular circulation facilities, parking facilities and other pertinent amenities when proposed by the applicant or required by the City shall be an integral part of the landscape and particular attention shall be given to the retention of natural landscape features of the site. When the design consists of single-family dwellings with private open space, such private open space, fronting public or private roads and exterior side yards, shall be landscaped.

3. The layout of structures and other facilities which effect a conservation in street and utility improvements in relationship to other economic and environmental concerns shall be encouraged.

4. Recreational areas (active and passive) when proposed by the applicant or required by the City shall be generally dispersed throughout the development and shall be easily accessible from all residential units within a PD District.

5. Architectural variety, as well as the establishment of compatible architectural styles and environmental harmony within the development shall be attained. All structures shall be design for passive energy savings.

6. Fencing and screening shall be incorporated into the design of the project when proposed by the applicant or required by the City.

E. Uses permitted within a development shall be those uses permitted by right in the base zone district. Uses requiring a conditional use permit in the base zone district shall require Development Plan application submittal and approval. (Ord. 87-11; Amended Ord. 98-04)

153.164 PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in a PD District.

A. *Lot Areas*: No provision for individual land uses; however, the total lot area of the PD District shall
not be less than one (1) acre.

B. *Lot Coverage*: In the area covered by the development plan, exclusive of all dedicated public rights of way, the minimum lot coverage shall be as approved by the Planning Commission or City Council.

C. *Lot Dimensions*: All lot dimensions shall be as approved by the Planning Commission or City Council.

D. *Setback Requirements*: All setback requirements shall be as approved by the Planning Commission or City Council.

E. *Distance Between Buildings*: No provisions, except that all buildings shall be shaped, designed and organized to allow adequate access of persons, light and air as approved by the Planning Commission or City Council.

F. Building Heights: As approved by the Planning Commission or City Council.

G. *Design Review and Site Plan Approval*: No application is required; however, approval shall be accomplished through the approval of the conditional use permit required for the development plan. The Planning Commission or City Council shall have the approval authority of the architectural style and design of the development within the PD District. Unless otherwise approved, single-family roof-mounted heating and air conditioning and other mechanical equipment must be screened with solid material for a minimum line of sight of twenty feet (20').

H. *Yards, Landscaping, Open Space Requirements:*

1. Yards: All front, side and rear yards shall be shown on the development plan and approved by the Planning Commission depending on the placement and type of structures.

2. Landscaping

a. All common open space not utilized for off-street parking shall be landscaped.

b. A landscaping plan and street tree planting plan, including a permanent underground irrigation system, which also shows finished grades for the entire project shall be approved by the Director of Public Works prior to the issuance of any building permit.

c. All private yards and open space facing or adjacent to a public or private roadway shall be landscaped and an underground irrigation system shall be installed prior to occupancy of any unit or building. Such landscape plan and irrigation system is subject to approval by the Director of Public Works.

3. Open Space Requirements

a. Private Open Space: For all ground level dwelling units, a minimum of four hundred (400) square feet of private open space per unit shall be provided.

b. Common Open Space: Where proposed by the applicant or required by the City, the minimum common open space requirements shall be as follows:

i. Single-family Units: Thirty five percent (35%) of the gross designated single-family area.

ii. Two-family Units: Thirty percent (30%) of the gross designated two-family area.

iii Three to Nine-family Units: Twenty five percent (25%) of the gross designated medium density multiple-family areas.

iv. Ten or More Units: Twenty percent (20%) of the gross designated high-density multiple-family area.

v. Commercial/Industrial Buildings: As approved by the Planning Commission or City Council.

I. *Fences, Hedges and Walls*: The type, size and location of all fences, hedges and walls shall be as shown on the proposed development plan.

J. *Off-street Parking Requirements*: Off-street parking requirements and standards for all uses shall be the same as the requirements specified for the same or similar uses in Chapter 13 Title 10 of the City Code.

K. *Off-street Loading Requirements*: Off-street loading requirements and standards shall be the same as those specified for the same or similar uses in Sections 153.180 through 153.185 of this Title.

L. *Access*: Vehicular Assess:

a. There shall be vehicular access from a dedicated street or alley to off-

street parking facilities on property requiring off-street parking.

b. All ingress to and egress from public property shall be in a forward motion, except for single and two-family residences abutting on local streets.

2. Pedestrian Access: There shall be pedestrian access from a private or dedicated street to property used for residential purposes. A driveway shall be considered pedestrian access.

M. *Signing:* Sign restrictions for all uses shall be the same as those specified for the same or similar uses in Section 153.280 through 153.285 of this Title.

N. *Laundry, Clothes Drying Areas, Facilities*: For all residential uses, there shall be provided on the subject lot adequate (as determined by the Planning Commission) laundry and clothes drying areas and facilities which shall not be visible from adjacent, adjoining or public property.

O. *Solid Waste Storage, Disposal Facilities:*

1. For all uses, no open storage of solid waste allowed.

2. For all residential uses, each dwelling unit shall have a minimum of ten (10) cubic feet of enclosed and concealed trash containers.

3. All other uses determined by the Planning Commission to need solid waste storage and/or disposal facilities shall provide such facilities sufficiently concealed from public view.

P. *Recreational Facilities*: Recreational facilities shall be as approved by the Planning Commission.

Q. *Park-in-Lieu Fees*: Parkland dedication or in-lieu fees shall be required of all new residential uses in the PD District, subject to credit for open space provided as determined by the Community Development Director.

R. *Security Plan*: All multiple-family residential complexes greater than fifty (50) units shall submit a security plan for review and approval by the City Planning and Sheriffs Department.

S. *Security Lighting*: All multiple-family residential complexes shall provide security lighting as approved by the City Planning and Sheriff's Departments.

T. *Recreational Vehicles and Trailers*: Parking or storage of recreational vehicles, motor homes, boats or other similar recreational equipment and trailers within the front yards of interior lots and the front and exterior side yards of corner lots, including the driveways of said lots, shall be prohibited. The placement of said recreational equipment when stored within a permitted side or rear yard shall be screened from adjacent properties. (Ord. 89-22; Amended Ord. 98-04)

CHAPTER 153
General Provisions

SECTION:

153.180	**Uses**
153.181	**Height Limits**
153.182	**Building Site Area**
153.183	**Yards**
153.184	**Off-Street Parking Requirements**
153.185	**Density Bonus Requirements**

153.180 USES

A. If ambiguity arises concerning the appropriate classification of a particular use with the meaning and intent of this Title, or with respect to matters of height, yard requirements, area requirements or zone boundaries, as set forth herein and as they pertain to unforeseen circumstances, including technological changes in processing of materials, it shall be the duty of the Planning Commission to ascertain all pertinent facts and by Resolution set forth its findings and its interpretations, and therefore such interpretations shall govern.

B. The provisions of Sections 153.180 through 153.185 shall not apply to poles, lines, or other structures or facilities used or usable by any irrigation district or public utilities company, solely for the purpose of producing, transmitting and/or distribution of electricity, signal or communication circuits and shall not be construed to limit or interfere with the installation, maintenance and operation of public utility pipelines, and electric or telephone transmission lines or railroads when located in accordance with the applicable rules and regulations of the Public Utilities Commission of the State of California within rights-of-way, easements, franchise, or ownership of such public utilities.

C. Accessory buildings appurtenant to a permitted use shall be allowed only when constructed concurrent with or subsequent to the main buildings.

153.181 HEIGHT LIMITS

Chimneys, communication towers, mechanical appurtenances, monuments, spires, campaniles, public and quasi-public buildings may be permitted in excess of height limits for the various districts, provided a use permit shall first be obtained in each case. Flag poles are permitted without height limitations and conventional television antennas, not over sixty (60) feet in height, are permitted in all districts. Trees in excess of three (3) feet in height are permitted in any required front yard or side yard of a corner lot provided the branches, at maturity, are not closer than eight (8) feet to the ground.

153.182 BUILDING SITE AREA

Lots of less than the minimum required area, width, or depth in any district which are of record at the time of adoption of the Code, such lot shall be deemed to have complied with the minimum required lot area, width and depth as set forth in any such district or precise plan. On any substandard lot the minimum yard requirements of the district in which it is located still apply.

153.183 YARDS

Minimum setbacks from multi-family buildings, commercial uses and industrial uses shall be as follows: 1 through 3 – repealed by Ordinance No. 90-25, adopted January 14, 1991.

A. For the purpose of computing front yard dimensions the measurement shall be taken from the nearest point of the front wall of the building to the street line; provided, however, that if an official plan line has been established for the street, the measurement shall be taken from said point of building to such official plan line, except that certain architectural features hereinafter shall not be considered in making such measurements, to wit:

1. Cornices, canopies, coves, or other architectural features may extend into any required yard a distance not to exceed three (3) feet.

2. Fire escapes, landing places and uncovered porches may extend into the required yard a distance not to exceed six (6) feet but in no case may they be so located that access to the rear of the property is impaired.

3. Solid fences, hedges and screen planting not to exceed three (3) feet in height may extend to the property line in the front yard.

4. Solid fences, hedges, and screen planting may be established or permitted to grow in any side or rear yard to the height allowed in the zoning district in which the property is located.

5. Fireplaces may extend into any required yard a distance not to exceed two (2) feet.

B. Notwithstanding the minimum front and side yard requirements for the various districts, as provided in this Chapter, no structure (excluding, however, open sire fences, electroliers without attached advertising signs, utility poles, solid fences or screen planting not more than three (3) feet in height, and trees in excess of three (3) feet in height provided the branches at maturity are not closer than eight (8) feet to the ground) shall be located closer to the highway center line than as indicated, on the following specified highways.

1. Patterson Road, from the westerly City limits to its intersection with Callander Avenue: seventy-five (75) feet. The right-of-way on said section of Patterson Road shall be one hundred ten (110) feet.

2. Callander Avenue, from its intersection with Patterson Road to its intersection with Atchison Street: seventy (70) feet. The right-of-way on said section of Callander Avenue shall be one hundred (100) feet.

3. Claus Road: seventy (70) feet. The right-if-way for Claus Road shall be fifty (50) feet. Where a specific plan line has been established it shall be used as the ultimate right-of-way.

4. That portion of Roselle Avenue which is presently in the City limits: fifty-three (53) feet. The right-of-way for the portion of Roselle Avenue which is now in the City limits shall be sixty-six (66) feet. The "highway center line", as that phrase is used in this subsection, refers to the following described center line:

   COMMENCING at the quarter section corner common to Section 25 and Section 26, Township 2 South, Range 11 East, Mount Diablo Meridian, thence Easterly along the center line of Patterson Road, a distance of three (3) feet to the proposed center line of Roselle Avenue, said point being the true point of beginning of this description.

   Thence South 0° 12' West parallel to and 3 feet at right angles to the Westerly line of Section 25 a distance of 1854.00 feet more or less to the existing City limits (1974) of the City of Riverbank.
   (Ord.87-11)

C. No mechanical equipment, including pool equipment, that is permanently fixed shall be permitted to occupy any of the required setback areas. (Ord. 88-14)

153.184 OFF-STREET PARKING REQUIREMENTS

A. Churches, lodges and places of public assembly: one (1) space for every three (3) fixed seats, or for every three (3) persons allowed under the maximum capacity established by the Fire Warden where there are no fixed seats, in the main place of assembly.

B. Dwellings:

1. Single family and manufactured housing, financed by FmHA - one, l-car garage of the maximum size permitted by FmHA and one (1) additional off-street parking space which may be located adjacent to the driveway.

2. Single family dwelling and manufactured housing, a two (2) car garage, with a minimum clear width of eighteen feet (l8') and a clear depth of nineteen feet six inches (l9'6") in the direction of travel, must be provided. No appliance or other objects may intrude into the garage space area.

3. Single family dwelling built prior to January l, l990, one l-car garage may be constructed if there is in-adequate area for a 2-car garage. This provision would not apply to garage conversions or other requirements of this Section.

5. Two family dwelling, duplex, or multiple dwelling – two (2) spaces per unit, may be covered or uncovered.

6. Rooming or boarding house – one (1) space for every 300 square feet of gross floor area. Spaces inside a garage may be counted toward meeting the requirement.

C. Garage and Repair Shops: One space for every 300 square feet of gross floor area.

D. Hospital: One and one-half spaces for each bed.

E. Manufacturing or assembly plants and wholesale warehouses: **One** space for each employee on a maximum shift plus three additional spaces or, when the number of employees cannot be determined, one space for every 300 square feet of gross floor area.

F. Mobilehome Parks: Two spaces for each mobile home space plus one visitor parking space for every 5 mobile home spaces. Excluding visitor parking, the spaces may be constructed in tandem.

G. Mortuaries: One space for every 5 seats, or one space for every 35 square feet in assembly rooms where seating is not fixed.

H. Motels and Hotels: One space for each sleeping room or dwelling unit.

I. Office Buildings:

1. Banks and Financial Institutions: One space for every 300 square feet of gross floor area.

2. General Business and Professional Offices: One space for every 300 square feet of gross floor area.

3. Medical-dental Offices and Clinics: One space per doctor and each employee, plus one space per individual examining room or one space for every 100 square feet of gross floor area where the number of examining rooms is unknown.

J. Recreational Uses:

1. Bowling alleys: Five spaces per lane.

2. Dance hall and amusement centers: 25 spaces per 1000 square feet of gross floor area.

3. Stadiums and Theaters: One space for every three seats.

K. Restaurants and Bars: One space for every four seats or four persons allowed under the maximum capacity established by the Fire Warden where the seating capacity is not fixed.

L. Rest Home or Nursing Home: One space for each employee on a maximum shift plus one space for every eight beds.

M. Retail Stores and Service Establishments:

1. Community and Regional Shopping Center: Eight spaces per 1000 square feet of gross floor area and one off-street truck unloading space for each 7500 square feet of gross floor area.

2. Flea Markets: Eight spaces per 1000 square feet of indoor or outdoor sales area.

3. Vehicles Sales Establishment: One space for each employee on a maximum shift plus one customer parking space per every 20 vehicles for sale.

4. All other retail store and service establishments: One space for every 300 square feet of gross floor area and one off-street truck unloading space for each 7500 square feet of gross floor area.

N. Schools:

1. Elementary: Two spaces for each classroom.

2. High School and Trade School: One space for every five seats.

3. Colleges: One space for every three seats.

O. Combined Uses: The number of required spaces shall be determined by combining individual requirements for each use.

P. All other uses not set forth above shall be determined by the Planning Commission based on the intensity of use by motor vehicles.

Q. No required off-street parking spaces shall be located within the building setback area or any required yard space, nor shall the spaces be allowed in tandem.

R. All commercial and other parking spaces shall be located within 300 feet of the use which they are to serve.

S. None of the off-street parking requirements shall apply to any building in existence at the time of the effective date of this Chapter provided that changes in use of the building do not increase demand for spaces and provided that any portion of the premises being used for off-street parking in connection with any such building shall not be reduced below the requirements of this Section.

T. All required parking spaces shall be paved and, with the exception of spaces provided in a garage, all spaces shall be marked.

U. Recreational vehicles, as described in this Chapter, may be parked on private property within any zoning district within the City of Riverbank so long as they do not create safety or sight clearance hazard for traffic on abutting streets, sidewalks or alleys.

1. Residents may apply and be issued (no fee) permits, by officers of the Riverbank Police Services Division for quests to stay in recreation vehicles parked on their property for a period not to exceed fourteen (14) consecutive days.

2. Recreation vehicles, parked on private property, are prohibited from being used as living quarters except as provided above or when parked in approved licensed Recreation Vehicle parks.

V. All parking spaces shall be accessible by paved driveways, alleys, or streets. If parking spaces are to be entered or exited by means of an alley, the alley shall be paved the entire width of the lot and from the lot to the nearest paved, public right-of-way.

153.185 DENSITY BONUS REQUIREMENTS

(A) When the developer of a housing project with five or more units agrees to construct at least 25% of the total units of a housing development of persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, or 10% of the total units of a housing development for lower-income households, as defined in the California Health & Safety Code Section 50079.5, or 50% of the total dwelling units of a housing development for qualifying residents, as defined in the California Civil Code, Section 51.3, the City will grant a density bonus of at least 25% more units than normally allowed by the existing zoning of the property.

(B) Specifically, "density bonus" means a density increase of at least 25% over the otherwise allowable residential density under the applicable zoning district.

(C) Requests for a density bonus must be in writing and must be accompanied by written information to support the applicant's determination that the units will be available within the income limits described in this section. (Ord. 88-14)

CHAPTER 153
Nonconforming Uses

SECTION:

153.195	Use of Land
153.196	Use Not Conforming
153.197	Use Permit
153.198	Use of Restricted Nature
153.199	Abandonment
153.200	Damaged Building
153.201	Repairs, Alterations
153.202	Interpretation
153.203	Minor Expansion, Residential Buildings

153.195 USE OF LAND

The lawful use of land existing at the time of the adoption of this Chapter, although such use does not conform to the regulations herein specified for the district in which such land is located, may be continued, provided that no such use shall be enlarged or increased, nor be extended to occupy a greater area than that occupied by such use at the time of the adoption of this Title, and shall be in conformity to the regulations specified for the district in which such land is located; provided however, a building or structure occupied by a nonconforming use or building or structure nonconforming as to height area, or yard regulations may be added to or enlarged, remodeled or moved to a new location on the lot only upon a permit authorized by the Planning Commission which may issue such permit provided that the Commission, after a public hearing, shall find:

(A) The proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or structure.

(B) Will not under the circumstances of the particular case be detrimental to the health, safety, and general welfare of people in the area or the City in general.

(C) Is logically and reasonably related to the existing use and that the size and/or intensity of the enlargement, expansion, restoration or change is not such that it would more appropriately be moved to a zone district in which it is permitted.

153.196 USE NOT CONFORMING

The lawful use of a building existing at the time of the adoption of this Title may be continued although such use does not conform to the regulations specified for the district in which such building is located.

153.197 USE PERMIT

The nonconforming use of a property may be extended as described in Section 153.195 provided a use permit is approved.

153.198 USE OF RESTRICTED NATURE

The nonconforming use of a building may be changed to a use of the same or more restricted nature provided that in each case a use permit is first obtained.

153.199 ABANDONMENT

If the nonconforming use of a building or land ceases for a continuous period of six (6) months, it shall be considered abandoned and shall therefore be used only in accordance with the regulations for the district in which it is located.

153.200 DAMAGED BUILDING

A nonconforming building damaged or destroyed by fire, explosion, earthquake or other act to an extent of more than 75% of the appraised value thereof, according to either the assessor's records or an appraisal performed by a qualified real estate appraiser may be restored only if made to conform to all the regulations of the district in which it is located, provided that such building may be restored to a floor area not exceeding that of the former building if a use permit first shall be secured.

153.201 REPAIRS, ALTERATION

Ordinary maintenance and repairs may be made to any nonconforming building provided no structural alterations are made and providing that such work does not exceed 15% of the appraised value in any one year period. Other repairs or alterations may be permitted provided that a use permit shall first be secured in each case.

153.202 INTERPRETATION

Nothing contained in this Chapter shall be deemed to require any change in the plans, construction or designated use of a building for which a building permit has been properly issued, in accordance with the provisions of this Chapter then effective, and of this Chapter, provided that in all such cases actual construction shall be diligently carried on until completion of the building.

153.203 MINOR EXPANSION, RESIDENTIAL BUILDINGS

Expansion of a legal nonconforming single family dwelling or duplex by not more than 25% of the floor area of the existing dwelling(s) shall be permitted with the approval of the Planning Director. Such expansion shall meet all other requirements of the City Code and shall not result in the creation of more dwelling units than currently occupies the property. (Ord. 87-11)

CHAPTER 153
Permits, Variance, Appeals

SECTION:

153.215	**Zoning Permit**
153.216	**Use Permit**
153.217	**Variance**
153.218	**Appeals**
153.219	**Mobile Home Permits**

153.215 ZONING PERMIT

Zoning permits shall be required for all buildings and structures hereinafter erected, constructed, altered; repaired or moved within or into any district established by this Title, and for the use of vacant land or for a change in the character of the use of land, within any established district. There shall be not fee for a zoning permit.

153.216 USE PERMITS

Use permits may be issued for any of the uses or purposes for which such permits are required and are subject to the provisions of the section.

A. Form: applications for a use permit shall be made to the Planning Commission in writing or a form prescribed by the Commission and shall be accompanied by sufficient information in writing, drawings, or pictures to show the detail of the proposed use or building. A filing fee, in such amount as may be fixed by the City Council shall be paid at the time the application is filed.

B. Public Hearing: whenever an application for a use permit is submitted to the Planning Commission, the Planning Commission shall give notice of hearing not less than 10 days before the date of hearing in either of the following ways:

1. By publication in a newspaper of general circulation in the City of Riverbank and posting said notice in conspicuous places close to the property affected.

2. By mailing said notice to the owners of adjacent properties as shown on the last equalized assessment role. Adjacent properties shall mean all properties whose boundaries touch, or would touch if not for alleys and public streets, the property for which the use permit has been requested. (Ord. 82-07)

C. Action by the Planning Commission: In order to grant any use permit, the applicant must introduce evidence in support of his application sufficient to enable the Planning Commission to find that the establishment, maintenance or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of such proposed use or

be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

1. The Planning Commission may designate such conditions in connection with the use permit as it deems necessary to secure the purpose of this Title and may require such guarantees and evidence that such conditions are being or will be complied with.

2. In cases where any use permit is refused, the Planning Commission shall state its reasons for such refusal. (Ord. 89-22)

D. Appeal to Council: In case the applicant or any other person is not satisfied with the action of the Planning Commission, he may within 10 days, appeal in writing to the City Council.

1. Decisions appealed to the City Council shall be set for specific time and place of public hearing at the next regular meeting.

2. Notice of hearing shall be given as provided in Division B above.

3. The Council shall render its decision within 60 days after the filing of such appeal.

E. Effect: use permits shall not become effective for 10 days after being granted and in the event an appeal is filed shall not become effective until a decision is made by the Council on such appeal.

1. No building or zoning permit shall be issued in any case where a use permit is required by the provisions of this Title unless and until such permit has been granted by the Planning Commission or Council and then only in accordance with the terms and conditions of the use permit granted.

2. No application for a use permit which has been denied shall be resubmitted for a period of one year from the date said order of denial became final, except on grounds of new evidence or proof of change of conditions found to be valid by the Planning Commission or City Council, whichever issued said order of denial. (Ord. 82-07)

3. Any use permit granted shall be null and void 12 months from the date of final approval thereof unless prior to such expiration date, the property is being used for the purpose for which the use permit was granted or unless a valid building permit is in effect for the construction of necessary buildings or appurtenances to such use. The Planning Commission may defer expiration of the permit for a period not exceeding one year upon application, in writing, by the owner of the property prior to expiration provided such use is still permitted in the district in which it is proposed to be located. (Ord. 83-09)

153.217 VARIANCE

When practical difficulties, unnecessary hardship and results inconsistent with the general purpose of this Title may result from the strict application of certain provisions thereof, a variance may be granted as provided in this Section except for uses not permitted by zoning district regulations.

A. Form: Application for variance shall be made in writing on a form prescribed by the Planning Commission and shall be accompanied by a fee, to be set from time to time by the City Council, and statement, plans and evidence showing:

1. Because of special circumstances applicable to the property including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives the subject property of the privileges enjoyed by other properties in the vicinity and under identical zone classifications.

2. The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner and will not constitute a grant of special privileges.

3. The granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

B. Public Hearing: Whenever an application for a variance is submitted to the Planning Commission, the Planning Commission shall give notice of hearing thereof in the same manner and for the same period of time as required for use permits under Section 153.216(B) of this Title.

C. Action by the Planning Commission: After the conclusion of the public hearing, the Planning Commission shall made a finding of facts indicating whether the circumstances enumerated in Division A hereof apply to the land, buildings or use for which a variance is sought.

1. The Planning Commission may impose such conditions in connection with the variance as it deems necessary to secure the purposes of this Chapter and may require a bond guarantee or other assurances that such conditions are being or will be complied with.

2. If the Planning Commission, after receiving and considering the evidence, and any proposed conditions, is unable to make the foregoing findings of facts, it shall recommend to the City Council that the variance be denied.

D. Action by the City Council: The Council shall consider the application for variance at a public hearing held within 60 days after receipt of the Planning Commission's recommendation.

1. If the Council finds that the qualifications under this Section apply to the land, building or use for which a variance is sought and that such variance is in the harmony with the general purpose of this Title, the Council shall, by resolution grant such variance.

2. The Council may designate such conditions in connection with the variance as it deems necessary to secure the purpose of this Title and may require a bond, guarantee or other evidence that such conditions are being or will be complied with.

E. Effect

1. No application for a variance which has been denied shall be resubmitted for a period of I year from the date of said order of denial became final, except on grounds of new evidence or proof of change of conditions found to be valid by the City Council. (Ord. 82-07)

2. Any variance granted shall be null and void 12 months from the date of final approval thereof unless prior to such expiration date, the property is being used as stated in the variance, or unless a valid building permit is in effect for the construction of buildings or appurtenances to such variance. The Planning Commission may defer expiration of the variance for a period not exceeding one year upon application, in writing, by the owner of the property prior to expiration provided the conditions for granting the variance have not changed. (Ord. 83-09)

153.218 APPEALS

A. The Planning Commission shall have the power to hear and decide appeals at a public hearing on the enforcement or interpretation of the provisions of this Title.

B. In case an applicant is not satisfied with the action of the Planning Commission on his appeal, he may within 10 days, appeal the decision to the City Council. The City Council shall hold a public hearing to consider the appeal within 60 days after the filing of such appeal. (Ord. 82-07)

153.219 MOBILEHOME PERMITS

Mobilehome permits may be issued for any parcel or lot in at R-I, R-2 or R-3 zoning district which contains one and only one single family dwelling to allow placement of a temporary mobilehome pursuant to the provisions of this Section.

A. Form: Application for a mobilehome permit shall be made to the City Council and shall be accompanied by the following information:

1. Plot plan of property showing existing buildings and proposed location of the mobilehome.

2. A statement from a doctor on a form provided by the Planning Department which details this disability requiring care or proof of age.

3. A filing fee in such amount as may be fixed by the City Council.

B. Public Hearing: Whenever an application for a mobilehome permit is submitted to the City Council, the City Council shall give notice of hearing not less than 10 days before the date of hearing in either of the following ways:

1. By publication in a newspaper of general circulation in the City of Riverbank and posting said notice in a conspicuous place close to the property affected.

2. By mailing said notice to the owners of property within 300 feet of the property as shown on the last equalized assessment role.

C. Action by the City Council: in order to grant a mobilehome permit the City Council must determine that the following criteria are met:

1. The purpose of the mobilehome shall be to provide care for ill or aged (at least 70 years old) members of the immediate family. The person(s) requiring care may live in either dwelling unit.

2. The mobilehome shall have been built since October 7, 1973, shall be at least 8 feet wide and 40 feet long, bearing the Department of Housing and Community Development decal and shall constitute a "mobilehome" as defined in the California Health & Safety Code, Section 1008.

3. The mobilehome shall be located on the rear half of the lot so it is screened from public view, shall be completely skirted within 90 days of final inspection, and shall be at least 10 feet from any other structure and 5 feet from any property line.

4. The mobilehome must use existing connections to public water and sewer, however, a separate temporary gas and/or electric service shall be installed in accordance with California Health & Safety Code Section 1008.

5. Neither dwelling shall be rented.

6. The existing dwelling shall be occupied by the property owner.

7. In order to grant a temporary mobilehome permit, the City Council must find that the establishment of the mobilehome will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

D. Renewal: A mobilehome permit shall be valid for one year from the date of approval. The mobilehome must be re-inspected and the permit renewed annually prior to its anniversary date. In order to renew the permit, the following information must be submitted and City Council approval obtained.

1. Completed mobilehome permit renewal form.

2. A statement dated no earlier than 30 days prior to the expiration of the permit, from a doctor verifying that the applicant still needs care because of illness or age.

3. A copy of the current vehicle registration or tax clearance certificate.

4. A renewal fee in such amount as may be fixed by the City Council.

E. Removal: The mobilehome and its electrical and/or gas service shall be removed within 90 days from the date that the conditions of which the permit was granted ceases to exists or either unit is vacated. (Ord. 85-01)

CHAPTER 153
Amendments

SECTION:

153.230	**Provisions Changed**
153.231	**Initiation**
153.232	**Planning Commission Actions**
153.233	**City Council Actions**
153.234	**Prezoning**
153.235	**Effect**

153. 230 PROVISIONS CHANGED

This title may be amended by changing the boundaries of districts or by changing any other provisions thereof whenever the public necessity and convenience and the general welfare require such amendment by the following procedure of this Chapter.

153.231 INITIATION

A. An amendment may be initiated by the verified petition of any one of more owners of property affected by the proposed amendment, which petition shall be filed with the Planning Commission and shall be accompanied by a fee as set by the City Council, no part of which shall be returnable to the petitioner; or

B. By resolution if intention of the City Council; or

C. By resolution of intention of the Planning Commission.

153.232 PLANNING COMMISSION ACTION

A. Public Hearings: The Planning Commission shall hold at least one public hearing on any amendment. Notice of the time and place of said hearing shall be given at least ten (10) calendar days before the hearing in the following manner:

1. By the publication at least once in a newspaper of general circulation.

2. By causing notices to be mailed to all property owners within the district of which the boundaries are proposed to be changed or whose property is proposed to be reclassified from one district to another, as shown on the preceding assessment roll of the county and to all owners of properties boding or within 300 feet of the exterior boundaries of said district.

3. Failure to receive notice required by the subsection shall not invalidate the amendment.

4. The notice required by the subsection shall specify the type and magnitude of the changes proposed, the place where copies of the proposed changes may be obtained, the time, date and place of the hearing and the right to appear and be heard.

B. Action: following the public hearing(s) prescribed above, the Planning Commission shall make a written recommendation tot he City Council. The favorable recommendation to any amendment shall be carried by the affirmative vote of a majority of the voting members of the Planning Commission present.

153.233 CITY COUNCIL ACTION

A. Public Hearings: Upon receipt of the Planning Commission recommendation, the City Council shall set the matter for public hearing after giving notice thereof in the same manner as provided for in Section 153.232(A).

B. After conclusion of such hearing, the City Council may adopt the amendment of any part thereof in such form, as the City Council may deem advisable, provided that the proposed change is carried by a majority of the voting members of the City Council.

C. The decision of the City Council shall be rendered within 60-days after the receipt of a report and recommendation from the Planning Commission.

153.234 REZONING

Prezoning applications shall be handled pursuant to the requirements of the Chapter.

153.235 EFFECT

No application for a zoning change which has been denied wholly or in part by the City Council shall be re-submitted for a period of 1-year from the date of said order of denial became final, except on grounds of new evidence or proof of changed conditions found to be valid by the City Council.
(Ord. 82-07)

CHAPTER 153
Enforcement; Interpretation

SECTION:

153.245	**Applicability To Public Agencies**
153.246	**Interpretation**
153.247	**Revocation; Expiration of Permits**
153.248	**Enforcement**
153.249	**Nuisance**
153.250	**Filing Fees**
153.251	**Appeal**

153.245 APPLICABILITY TO PUBLIC AGENCIES

The provisions of this Chapter to the extent permitted by law, shall apply to all public bodies, districts and agencies, Federal, State, County and Municipal, (other than the City of Riverbank); provided however, that variance permit and amendments to such governmental units may be applied for and granted without payment of the application fee. (Ord. 82-07)

153.246 INTERPRETATION

When interpreting and applying the provisions of this Title, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Except as specifically herein provided, it is not intended by the adoption of this Title to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law, ordinance, or any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the erection, construction, establishment, moving, alteration or enlargement of any building or improvements; nor is it intended by this Title to interfere with or abrogate or annul any easement, covenant or other agreement between parties, provided, however, that in cases in which this Code imposes a greater restriction upon the erection, construction, establishment, moving, alteration or enlargement of building or the use of any such building or premises in said several districts or any of them, than is imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits or by such easements, covenants or agreements, then in such cases the provisions of this Title shall control.

153.247 REVOCATION: EXPIRATION OF PERMITS

The Planning Commission after a public hearing held in the manner prescribed in Chapter 15 of the Title governing variance and conditions use permits, may revoke or modify any permit or variance issued on any or more of the following grounds:

A) That the approval was obtained by fraud.

B) That the use for which such approval was granted is not being exercised.

C) That the use for which such approval was granted has ceased to exist or has been suspended for one year or more.

D) That the permit or variance granted is being, or has been exercised contrary to the terms of conditions of any statute, ordinance, law or regulation.

E) The use for which the approval was granted was so exercised as to be detrimental to the public welfare or safety, or so as to constitute a nuisance.

F) That the continued exercise of the use for which approval was granted appears to be inimicable to the public welfare.

153.248 ENFORCEMENT

All departments, official and public employees of the City vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Title, and shall issue no permit of license for uses, buildings or purposes in conflict with the provisions of this Title and any permit or license issued in conflict shall be null and void. It shall be the duty of the Building Inspector of the City to enforce said provisions pertaining to the erections, construction, reconstruction, moving, conversion, alteration or addition to any building or structure.

153.249 NUISANCE

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this Code, and any use of any land, building or premises established, conducted, operated or maintained contrary to the provisions of this Code shall be and the same hereby declared to be unlawful and a public nuisance; and the Attorney shall upon order of the Council, immediately commence action or proceedings for the abatement and removal and enjoyment thereof in the manner provided by law, and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure and restrain and enjoin any person from setting up, erecting, building, maintaining or using any such building.

153.250 FILING FEES

Fees for the processing of various applications under this Title may be set from time to time by Resolution of the Council.

153.250 APPEAL

Any applicant or other persons, firm or corporation which is dissatisfied with a decision resulting from the application, interpretation, or enforcement of the provisions of this Title may appeal that decision provided that the appeal is in writing and clearly sets forth the reasons why the appeal ought to be granted.

A) Interpretations of this Title by staff can be appealed to the Planning Commission.

B) Decisions of the Planning Commission may be appealed to the City Council. (Ord. 82-07)

CHAPTER 153
Home Occupations

SECTION:

153.265	**Application**
153.266	**Criteria**
153.267	**Prohibited Uses**

153.276 APPLICATION

Applications for Home Occupations are administered by the Planning Department and may exist in any residential district.

153.266 CRITERIA

It is the intent of the following criteria to reduce the impact of the Home Occupation to the degree that its effects on the neighborhood are undetectable from normal and usual residential activity.

A. Only occupants of the dwelling shall be engaged in Home Occupation on the subject property. In the event of a partnership or corporation, at least one of the members must be a resident of the subject property.

B. Off-site employees or partners are permitted so long as they do not work or report for work at subject property.

C. The use of the dwelling for the Home Occupation shall be clearly incidental and subordinate to its use for residential purposes. The Home Occupation may be conducted in the principal dwelling or accessory structure on the subject property provided that the area does not exceed 20 percent of the habitable floor area of the principal dwelling.

D. There shall be no mechanical equipment or operation used which creates or makes noise, dust, odor, vibration or other effects detectable at the property line. Noise level at the property line shall not exceed 65 dba.

E. There shall be no display of products produced by the Home Occupation visible in any manner from the outside of the dwelling unit.

F. The use shall not generate pedestrian or vehicular traffic beyond that which is normal in a residential district nor in any case require the parking of more than two additional vehicles at any one time.

G. There shall be no storage of material or supplies out-of-doors.

H. There shall be no change in the outside appearances of the building premises, or any visible evidence of the conduct of such Home Occupation other than one (1) sign not to exceed two

(2) square feet.

I. There shall be no advertising of the Home Occupation which uses the address of location.

J. The following specific Home Occupation uses shall be permitted subject to further limitations as follows:

1. Beauty/barber shops limited to one (1) customer.

2. Contractors and sub-contractor offices are permitted as Home Occupations. However, the storage of materials, equipment, commercial vehicles of more than one (1) ton, more than one vehicle of less than one (1) ton not normally associated with residential uses shall be prohibited.

3. Swimming lesson, music lessons and other similar lessons, when given to no more than three (3) students at one time.

153.267 PROHIBITED USES

The following uses are expressly prohibited at Home Occupations.

A. Repair or reconditioning or motorized vehicles or equipment on-site.

B. Manufacturing, including cabinet shops and similar uses.

C. Repair or reconditioning of major household appliances, including refrigerators, freezers, clothes washers/dryers, dish washers, stoves, hearing and air conditioning equipment and lawn mowers.

D. Repair or reconditioning or boats or recreation vehicles.

E. Medical, dental and chiropractic clinics and offices.

F. There shall be no delivery of merchandise to customers at the premises other than that incidental to a service conducted on the premises. (Ord. 92-07; 7/13/92)

CHAPTER 153

Signs

SECTION:

153.280	Purpose
153.281	Definitions
153.282	Administration
153.283	Non-conforming Signs
153.284	General Requirements
153.285	Specific Requirements for Certain ZonesR-1, R-2, R-3 Zones

153.280 INTENT AND PURPOSE:

It is the intent of this Sign Ordinance regulation to preserve and enhance the aesthetic, traffic safety and environmental values of our communities and growing business/industrial districts, while at the same time providing for channels of communication to the public. It also is the City's intent to regulate on the basis on characteristic and proportion of signage. The City find as to commercial signage that it is in the interest of both aesthetics and traffic safety, that sign information be kept to a minimum. The use of subordinate information in commercial signage will not be allowed which presents a traffic hazard. Non-commercial signage, which rights are constitutionally broader, is permitted unless expressly prohibited within Chapter 153, Land Usage.

153.281 DEFINITIONS

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BENCH SIGNS: A bus bench located outdoors with advertising matter thereon.

BULLETIN BOARD: A sign used to announce a coming event or attraction or used to convey a specific message related to the building or use of the property on which the bulletin board is located. In all zones, bulletin boards which are displayed so as to be viewed from a public street, parking lot, walkway or mall shall be subject to the sign regulation or the zone in which the building or property is located.

CANOPY: A roof of a building or a fixed overhead shelter used as a roof, which may or may not be attached to a building and which does not encroach into nor overhang a public

street or alley right of way.

CANOPY SIGN: A sign attached to or hung from a canopy but not projecting from the face of the canopy.

CONSTRUCTION SIGN: A sign with the names or architects, engineers, contractors, sub-contractors and financing agencies of buildings and structures being constructed upon the premises or which the sign is located.

CORPORATE FLAG: A "flag" shall mean a flag identifying a business or firm.

DIRECTIONAL SIGN: One of two types of signs. An exterior directional sign shall mean a sign oriented to a street and used to direct and control pedestrian or vehicular traffic and located on the same lot or premises as the use which it is intended to serve. An interior directional sign shall mean a directional, warning or information sign not bearing any advertising message readable from any street right of way. It shall be located on the same lot or premises as the use which it is intended to serve.

ERECT: To build, construct, attach, hang, place, suspend, paint or affix.

FREESTANDING SIGN: A sign detached from any building or structure, and the supports of which are permanently affixed on the ground.

HEIGHT: The vertical distance from the highest point used in measuring the area of a sign to the top of the curb of the street at a point which is closest to the highest point of the sign.

IDENTIFICATION SIGN: Any sign which is used to identify or advertise the occupancy of a building, lot or premises or the merchandise or activity available at the building, lot or premises where the sign is located.

LIGHTED SIGN: Any sign which is illuminated either directly or indirectly by artificial light.

MARQUEE: A fixed overhead shelter used as a roof, which may or may not be anchored to a building and which projects into or overhangs a public street or alley right of way.

NON-COMMERCIAL: In each instance and under the same conditions to which this Chapter permits any sign, a sign containing an ideological, political or other non-commercial message shall be permitted.

OPEN HOUSE SIGN: An arrow or other directional symbol and real estate office name.

OUTDOOR ADVERTISING SIGN (Billboards): A sign of the outdoor advertising business, which advertises products, accommodations, services or activities not provided on the premises on which it is located. Also known as a billboard. These signs are prohibited under this Ordinance. This definition does not pertain to non-0commercial messages.

PERMANENT SIGN: Every sign except "temporary signs" as defined herein.

POLE SIGN: A sign which is not attached to a building but which has its own, separate support system and shall include a freestanding sign.

POLITICAL SIGN: Any impermanent sign or advertising device or display, with or without letters, words, numbers of figures thereon, which is designed to advertise a candidate for political office, a political party or a measure scheduled for an election.

PRINCIPAL FRONTAGE: That wall of a building or structure which has frontage on a public street, highway, parking lot, walkway or mall and which is designed as the principal frontage of said building or structure.

PROJECTING SIGN: Any of the following:

1. Any sign attached to and projecting from the face of a wall, canopy or marquee.

2. Any sign mounted on a canopy roof or building roof that has a slope flatter than a 45 degree angle.

RIDGELINE: The peak of the roof, the top of a parapet, or the top of the wall of a building.

SIGN: Any structure, device, letter, figure, character, poster, picture, trademark or reading matter which is used or designed to announce, declare, demonstrate, display or otherwise identify or advertise, or attract the attention of the public. However, a sign shall not include the following:

1. Official notices authorized by a court, public body or public officer.

2. Directional, warning or informational signs authorized by federal, state or municipal authority or public utility.

3. A properly displayed official flag of a government, school, religious group, or nonprofit organization.

4. A memorial plaque, tablet or cornerstone indicating the name of a building and date of construction, when cut or carved into any masonry surface or when made of bronze or other incombustible material and made an integral part of the building or structure, not to exceed four square feet in area.

5. Signs within a building which cannot be seen from outside the building.

SIGN AREA: The sign surface computed by calculating the area of the circle, square, triangle, rectangle or combination of such geometric designs necessary to enclose such sign surface. Where a sign has two or more faces (sign surfaces) the area of all faces shall be included in determining the sign area, except where two such faces are placed back to back and are at no point more than one foot from one another, the sign area shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. Necessary supports or uprights on which a sign is placed shall not be included in the sign area provided they are not used to attract attention to the subject matter included in the sign area.

SIGN SURFACE: The surface of the sign upon, against or through which the message is displayed or illustrated.

SUBDIVISION SIGN: A sign indicating the name of recorded subdivision, the name of the contractor or subdivider, the name of the owner or agent, and/or giving information regarding directions, price and/or terms.

SUBDIVISION DIRECTIONAL SIGN: A sign indicating the name of a recorded subdivision and information regarding location. The name of the contractor or subdivider, the name of the owner or agent and/or information regarding price and/or terms may also be noted.

TEMPORARY SIGN: Any sign, banner, pennant, valance, balloon, streamer, placard, "A" frame, sandwich board or similar impermanent sign or advertising device or display, with or without letters, words, numbers, or figures thereon, with or without frames, which directs, promotes service or price, or which is otherwise designed to attract attention for a short period of time only unless specifically mentioned in this chapter.

WALL: Any wall or element of a wall or any number of group of members which defines the exterior boundaries or courts of a building or structure and which has a slope steeper than one horizontal to two vertical, with the horizontal plane.

WALL SIGN: Any sign painted on, attached to or erected against the wall of a building or structure with the exposed face of the sign in a place approximately parallel to the place of the wall and which does not project beyond the top or ends of the wall. "Wall sign" shall also mean any sign permanently displayed on the inside or outside of a window.

WINDOW SIGN: Any sign temporarily displayed on the inside of a window or temporarily painted on a window and facing a street, highway, parking lot, walkway or mall.

ZONE: One of the various classes of area into which the City has been divided by this Title.

153.282 ADMINISTRATION

A. *Permit Required*: It shall be unlawful for any person to erect, alter, change, copy or relocate within the city any sign as defined herein without first obtaining a permit from the city manager (or his designated representative) and making payment of the required fee therefore, except that the following listed signs are not required to have permits or pay permit fees, but shall meet all other requirements of this Chapter:

1. Construction sign

2. For sale or rent sign not exceeding 8 square feet in area.

3. Garage sale sign

4. Unlighted interior directional, warning or information system when less than l2 square feet in area.

5. Nameplate, 2 square feet maximum size

6. Open house directional sign

7. Political signs permitted by Section 153.285 of this City Code.

8. Signs for fireworks stands, pumpkin sales, Christmas tree sale lots.

9. Subdivision directional signs

10. Corporate flag when its height does not exceed the roof line.

11. Bench sign

12. Signs which identify the architects, engineers, contractors, or builders associated with construction work on the premises during the time period such work is being conducted.

13. Advertising signs on the perimeter fencing of athletic fields. Such signs shall be on the interior of the fence only, shall have the advertising facing the interior of the field, shall not exceed the height of the fence and shall not be subject to any other restrictions of this Chapter.

B. *APPLICATION FOR PERMIT*: Application for sign permits shall be made upon forms provided by the city manager (or his designated representative) and shall contain or have attached thereto such information as may be required by the city manager (or his designated representative) to ensure compliance with the provisions of the Riverbank City Code. The application shall be accompanied by a fee in an amount set from time to time the resolution of the city council.

C. *PERMIT ISSUED IF APPLICATION IS IN ORDER*: It shall be the duty of the city manager (or his designated representative) to issue the sign permits if the application is complete, the sign complies with the provisions of the Riverbank City Code and the fee has been paid.

D. *SIGNS FALLING WITHIN DEFINITION OF ONE OR MORE TYPE SIGNS*: Whenever any sign, as defined in this article, falls entirely within the definitions of one or more type signs, it shall be subject to the provisions of the most restrictive category.

E. *PERMIT ISSUE IN ERROR*: If a sign permit is issued in error by the city manager (or his designated representative) and the sign does not comply with all of the requirements of this article and all other laws and ordinance of the city, the sign permit shall be null and void, and no rights or privileges shall be conferred upon the permittee by said permit.

F. *COMPLIANCE WITH CHAPTER, NUISANCE, ABATEMENT*: The city council hereby determines that the public peace, safety, morals, health and welfare require that all signs which shall hereafter be constructed, erected or painted in violation of the provisions of this article shall be and they are hereby declared public nuisances to be removed and abated in the manner provided herein.

G. *IDENTIFICATION*: Every sign hereafter erected, altered or relocated shall have thereon in a conspicuous place in order to be readily visible, the date of erection, alteration or relocation, the permit number, voltage of any electrical apparatus used in connection therewith and the name of the person, firm or company doing said work. Said information shall not exceed l6 square inches in area.

H. *MAINTENANCE OF SIGNS*: The owner of any sign as defined and regulated by this article, including supporting structures, shall keep the same in a presentable condition at all times. All painted signs and all supporting structures of any sign shall be repainted to keep them in good condition whenever such action is requested in writing by the city manager (or his designated representative)

I. *UNLAWFUL SIGNS*: If the city manager (or his designated representative) shall find that any sign which has been constructed or erected or is being maintained in violation of the provisions hereof, written notice shall be given of such conditions to the permittee or in the event no valid permit exists, to the owner thereof. If the permittee or the owner thereof, as the case may be, fails to remove or alter the sign so as to comply with the standards herein set forth, within 30 days after such notice, such signs may be removed or altered to comply when so directed by the city manager and such cost shall be at the expense of the permittee or the owner of the property upon which the sign is located.

1. Any sign found to be unsafe and an immediate peril to persons or property may be removed summarily and without notice when so directed by the city manager. The cost of such removal shall be assessed against the owner of the sign removed.

2. Any sign erected upon public property in violation of the provisions hereof may be removed or destroyed when so directed by the city manager.

3. The cost of removal of alteration of any sign and any expense incident thereto which by the terms of this section shall be paid by a permittee, sign owner, property or any other person, shall become a debt owing the city. The city may initiate civil action in its own name for collection of the debt.

153.283 NON-CONFORMING SIGNS

A. For the purpose of this article a "nonconforming sign" shall be any sign which does to conform with the provisions of this article but was lawfully erected and which was lawfully in existence and in use on May 1, l986.

B. A nonconforming sign shall not be replace, altered, reconstructed, relocated or expanded in any manner unless it is made to conform with all the provisions of this article except as follows:

1. Other nonconforming signs on the same property need not be made to conform as a result.

2. Change in copy shall be permitted if no structural changes in the sign are necessary except that no change in copy shall be permitted for nonconforming painted wall signs.

3. Ordinary maintenance and minor repairs which will not increase the normal life of the sign and which are required for safety purposes shall be permitted. Structural alterations to a nonconforming sign are prohibited unless they are made to conform to all requirements of the Riverbank City Code.

C. If the use identified by a nonconforming sign is abandoned for a period of 90 days, the sign shall be removed unless it is made to conform to the provisions of this article. If such sign is not made to conform or if it is not removed within l20 days from the time the use is abandoned, it shall thereafter be unlawful. "Abandoned", as used in this subsection, shall mean cessation of operation or change of use. "Abandoned", shall not mean an ownership change or a name change as long as there is not cessation of the operation for longer than 90 days and the use is not changed.

l53.284 GENERAL REQUIREMENTS

A. *HEIGHT LIMITATION*: the maximum height of any sign shall be as stated herein, but in no case shall a sign exceed 40 feet in height.

B. *ROTATING, MOVING, FLASHING, CHANGING OR BLINKING SIGNS*: no sign shall have or consist of any moving, rotating, or otherwise animated part or any flashing, blinking, fluctuating or otherwise animated light. The provisions of this subsection shall not be applied so as to prohibit the following types of signs:

1. A sign showing time separately and which changes no more often than one every l0 second or a conventional clock face.

2. A sign showing temperature separately and which changes only when the temperature rises or falls one degree or more.

3. A sign showing time and temperature alternately and which changes no more often than once every 10 seconds.

4. An on-premises barber pole of a length not to exceed 30 inches of traditional design which shall be permitted to revolve during the time that a barbershop is open for business. Said sign shall not exceed 10 feet in height.

C. *PROJECTIONS:* all signs, if otherwise authorized, are permitted to project into required front, side and rear yard. The permitted projecting of an authorized sign into any street or alley right of way is as follows:

1. Freestanding sign: no projection

2. Wall sign: up to 14 inches in thickness

3. Marquee sign: no closer than 2 feet from the face of the curb.

4. Projecting sign: up to 6 feet into any street right of way and up to 4 feet into any alley right of way, but not closer than 2 feet from the face of the curb.

5. Bus bench sign: entirely within street right of way.

D. *VERTICAL AND HORIZONTAL CLEARANCE*: No sign shall be less than 8 feet above a public or private sidewalk or 16 feet above ground level in areas open to vehicular except wall signs not exceeding 3 inches in thickness.

1.Signs shall not be erected within the triangle created by the lines connecting:

a. The point of intersection of front and side property lines extended into the intersection of two streets or other public right of way abutting the said property lines; and

b. The points on such front and side property lines 40 feet distant from said point of intersection, when the erection of other privately owned buildings and structures is prohibited.

2. No permit for any sign shall be issued and no sign shall be constructed or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the laws of the State of California or rules and regulations duly promulgated by agencies thereof.

E. *OBSTRUCTIONS TO DOORS, WINDOWS OR FIRE ESCAPES*: No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window, fire escape or exit way.

F. *CONSTRUCTION STANDARDS*: All signs, including all parts, portions, units, and material comprising the same together with the frames, backgrounds, supports and anchorage therefore shall be manufactured, fabricated, assembled, constructed and erected in accordance with applicable Building, Electrical, and Fire Prevention and Sign Codes of the City of Riverbank.

G. *ILLUMINATED SIGN*: Any illuminated sign or lighting device shall employ only lights emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. In no event shall an illuminated sign or lighting device be so placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

H. *SIGNS NOT TO CONSTITUTE VEHICULAR TRAFFIC HAZARD*: No sign as regulated in this article shall be erected at the intersection of any street or at any railroad grade crossing, or at any driveway in such a manner as to obstruct free and clear vision of operations of motor vehicles or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or devise; or which makes use of the works "STOP", "DANGER", or any other word, phrase, symbol, or character in such manner as to interfere with, mislead or confuse traffic.

I. *TEMPORARY SIGNS FOR SPECIAL EVENTS*: Temporary signs, in excess of the maximum permissible sign area, may be erected as participation in a public parade, public event or public celebration for a period not to exceed 30 days; provided however, that the erection of such signs shall be approved by the city manager as to location, safety and period of display. Temporary cloth signs and rigid signs shall be allowed as regulated in this subsection and as described in Chapter I4 of the Uniform Sign Code except that rigid signs shall be limited to a sign area of 32 square feet and may be displayed for no longer than 30 days.

J. *BENCH SIGNS*: It shall be unlawful for any person to erect, install or maintain any bench sign, except on public property in a location approved by the city manager. Such benches shall only be placed as necessary to serve existing public transit needs and shall require an encroachment permit.

K. *WALL SIGNS, ADDITIONAL STANDARDS*: No wall sign shall exceed I4-inches in thickness; no display or messages shall be permitted on the edges of wall signs except the sign company's identification as required by Section 10-19-3-G.

L. *RIDGELINE LIMITATION*: A wall, canopy, marquee, or projecting sign shall not project more than 10 feet above the ridgeline of the building on which the sign is mounted.

M. *BUILDING OUTLINING*: Outlining of a building or its roof by means of permanent lighting by exposed neon tubing, exposed incandescent lighting or other artificial lighting, or an equivalent effect, is prohibited. Outlining means delineation, with a row or band of lights, of the edges or a roof or wall surface. This provision does not prohibit floodlighting or generally illuminating buildings and their roofs for temporary Christmas displays.

N. *NO SIGNS OR STREET TREES, UTILITY POLES OR STRUCTURE IN STREET RIGHT OF WAY*: No signs shall be attached to any street tree, or any poles such as utility poles, street signals, street lights, street name signs or traffic warning signs, or on any bus shelter.

153.285 SPECIFIC REQUIREMENTS FOR CERTAIN ZONES

A. Specific requirements of types, area and height of signs in the R-1, R-2, R-3 and R-4 zones. It shall be unlawful for any person to erect, construct or maintain on any lot or parcel any sign of a type having an area and/or height in violation of the following specific requirements:

1. In the R-1 and R-2 zones, the following on-site signs are permitted except as otherwise stated:

a. One unlighted for sale or rent sign per street frontage, not exceeding 8 square feet in area and 6 feet in height.

b. Three unlighted open house directional signs, each not exceeding 3 square feet in area and 3 feet in height, which shall be permitted during daylight hours only, for each house or group of houses offered for sale by the same realtor at the same general location, provided they do not bear any advertising message other than the real estate office name, and that such signs are located wholly on private property with permission of the property owner on whose property they are located.

c. One wall-mounted name plate not exceeding 2 square feet in area.

d. For non-residential uses permitted by conditional use permit additional signing as follows:

1. One bulletin board or identification sign not exceeding 25 square feet in area and 6 feet in height.

2. Canopy and wall identification signs limited to one-half square foot in combined sign area for each lineal foot of any wall and not exceeding 40 feet in height. Canopy and wall identification signs may have external illumination only; no internal illumination shall be permitted.

e. For mobile home parks permitted by conditional use permit there may be in addition one identification sign limited to l2 square feet in area and not exceeding 6 feet in height located at the main entrance to the park.

f. One construction sign not exceeding 20 square feet in area and 6 feet in height; provided that such sign shall be removed not later than 30 days after construction is completed.

g. One on-site subdivision sign not exceeding 100 square feet in area and ten (10) feet in height for each recorded subdivision; provided that such sign shall be removed not later than two (2) years from the recording date of the subdivision, except as follows:

1. Where building permits have been taken out for more than one-half but less than seventy-five (75) percent of the lots in such subdivision at the end of said two (2) year period, such sign may remain for an additional one (1) year period or until building permits have been issued on all the lots, whichever occurs first.

2. Where building permits have been taken out for one-half or less of the lots in such subdivision at the end of said two (2) year period, such sign may remain for an additional two (2) year period or until building permits have been issued on all the lots, whichever occurs first.

h. Unlighted subdivision directional signs not exceeding sixteen (16) square feet in area and six (6) feet in height for each recorded subdivision as follows:

1. When the boundaries of any recorded subdivision on any part thereof abut an arterial, as identified in the Riverbank General Plan, one subdivision directional sign shall be permitted which may be located on any vacant lot or parcel which is owned by the subdivision owner.

2. When the boundaries of any recorded subdivision, or any part thereof, do not abut an arterial identified in the Riverbank General Plan, two (2) subdivision directional signs shall be permitted, which signs may be located as follows:

a. One such sign may be located on property not owned by the subdivision owner with the permission of the property owner or whose property it is to be located.

b. One or both signs may be located only on property owned by the subdivision owner.

3. Such signs shall be removed not later than two years from the recording date of the subdivision, except as follows:

a. Where building permits have been taken out for more than one-half (1/2) but less than seventy-five (75) percent of the lots in such subdivision at the end of said two year period or until building permits have been issued on all of the lots, whichever occurs first.

b. Where building permits have been taken out for one-half (1/2) or less of the lots in such subdivision at the end of said two (2) year period, such signs may remain for an additional two year period or until building permits have been issued on all of the lots, whichever occurs first.

i. Political signs, which may be erected, maintained and displayed as follows:

1. On lots or parcels upon which there is located a residential structure when the area of such sign does not exceed six (6) square feet, the height of the sign does not exceed six (6) feet and the combined area of all such signs on a single parcel or lot does not exceed thirty (30) square feet.

2. On lots or parcels upon which there is not located a residential structure when the area of the sign does not exceed thirty-six (36) square feet, the height of the sign does not exceed ten (10) feet, and the combined area of all such signs on a single parcel or lot does not exceed thirty (30) square feet.

3. On lots or parcels of one acre or more upon which is not located a residential structure when the area of the sign does not exceed thirty-two (32) square feet, the height of the sign does not exceed l0 feet, and the combined area of all such signs on a single parcel or lot does not exceed 30 square feet.

4. Political signs shall not be lighted either directly or indirectly.

5. Political signs shall be erected no more than sixty (60) days prior to the date of election and shall be removed within l0 days after the date of the election.

j. Window signs are not permitted unless they meet all other requirements listed in this section including the limitation on sign area.

k. Outdoor advertising signs are not permitted.

l. Two unlighted garage sale signs not exceeding 3 square feet each in area may be displayed as follows:

1. The signs may be displayed only during such times as the garage sale being advertised is actually being held or conducted.

2. The signs may only be erected and displayed on private property with the consent of the owner thereof. They may not be erected or displayed on street, trees, utility poles or elsewhere in public right-of-ways.

m. Interior directional, warning and information signs not exceeding six (6) square feet in area and six (6) feet in height.

n. For sale or rent signs between eight (8) and thirty-two (32) square feet in area, subject to securing a use permit. Approval of the permit shall be based on the relationship between the size of the sign and the size of the property.

1. In the R-3 zone, the following on-site signs are permitted:

a. Any signs permitted in the R-1 and R-2 zones.

b. One multiple-family housing project sign per street frontage, each sign not exceeding twelve (12) square feet in area and six (6) feet in height.

2. In the R-2 zone, the following on-site signs are permitted:

a. For any uses permitted in the R-2 zone, except those permitted by conditional use permit, any signs permitted in the R-2 zone except in Section 10-19-6(A)4.

b. For all other uses in the R-4 zones the following signs area permitted:

1. Any signs permitted in the R-2 zone except Section 10-19-6(A)4.

2. For each site one identification sign per street frontage not exceeding 16 square feet and 8 feet in height.

3. Canopy and wall identification signs limited to one-half (1/2) square foot in combined sign area for each lineal foot of any wall, and not exceeding thirty-five (35) feet in height. Canopy and wall identification signs may have external illumination only; no internal illumination shall be permitted.

4. One corporate flag per use of occupancy, not exceeding twenty-four (24) square feet in area, dimensions relative to each other shall not exceed a ratio of 2:1. Such flag shall be

flown only from a flagstaff or flagpole.

B. Specific requirements for type and height of signs in the C-1, C-2, CM, M-1, M-2 and PD zones. It shall be unlawful for any person to erect, construct or maintain on any lot or parcel any sign of a type having an area and/or height in violation of the following specific requirements.

1. In the C-1 zone, C-2 zone and CM zone the following on-site signs are permitted except as otherwise stated:

a. Subject to approval by the city manager (or his designated representative), a shopping center, as herein defined shall be entitled to erect one freestanding shopping center identification sign, hereinafter referred to as a "shopping center sign" for each street upon which the shopping center fronts subject to the following provisions.

1. Each shopping center sign shall not exceed 100 square feet in area.

2. The identification on each shopping center sign shall be limited to the shopping center name with a listing of uses or businesses within the center optional. The lettering for the listing of such uses shall be of a size not greater than one-half (1/2) the size of the lettering of the shopping center name on such sign.

3. After erection of a shopping center sign or signs authorized herein, at a shopping center, no additional freestanding or projection identification sign shall be erected at such shopping center for any use or occupancy therein.

4. In granting an application for a shopping center sign, the city manager (or his designated representative) shall determine whether the applicant is within such shopping center, after consideration of the following factors:

a. A shopping center is usually comprised of a cluster of retail uses at one location held out to the public as a distinct shopping area and having at least one retail use with a minimum area for that use of 20,000 square feet, and having a minimum of five (5) other retail uses on the same or adjacent sites.

b. A shopping center is not normally traversed by any public street.

c. The existence of any common advertising program for such center, or any uses or occupancies conducted therein and the number of uses or occupancies conducted therein which participate in such program.

b. Canopy, marquee and wall identification signs, provided:

1. That said signs shall be lighted to the portion of a building wherein the use or occupancy is conducted.

2. That the maximum total area for all said signs shall be limited as follows:

a. For the principal frontage of the building as designated by the applicant:

BUILDING FRONTAGE	MAXIMUM TOTAL AREA FOR ALL CANOPY MARQUEE/WALL IDENTIFICATION SIGNS
First 50 feet	4 square feet per lineal foot of building frontage, plus
Next 50 feet	2 square feet per lineal foot of building frontage, plus
Over 100 feet	1 square foot per lineal foot of building frontage

b. For Each Other Frontage of the Building:

MAXIMUM TOTAL AREA FOR BUILDING FRONTAGE	ALL CANOPY MARQUEE/WALL IDENTIFICATION
First 50 feet	4 square feet per lineal foot of building frontage, plus
Next 50 feet	2 square feet per lineal foot of building frontage, plus
Over 100 feet	.05 square feet per lineal foot of building frontage

3. That said signs shall not exceed forty (40) feet in height nor project above a ridgeline more than ten (10) feet.

4. That signs hung from a canopy shall not be less than eight (8) feet above a private sidewalk of sixteen (16) feet above ground level in

areas open to vehicular traffic.

5. That marquee signs shall be parallel with the building upon which they are mounted and parallel with the public street or alley into which they project or overhang. (Ord. 86-06; 4/14/86)

c. For any freestanding use or occupancy, one monument-type freestanding identification sign not to exceed eight feet (8') in height, including any base, nor more than one-hundred (100) square feet in area, may be approved subject to securing approval of the City Manager (or his designated representative). Said approval will be dependent upon the following two (2) findings being shown:

1. That the use or occupancy is a freestanding use. For the purpose of this section, a freestanding use is defined as a use or occupancy that does not attract customers by its proximity to another business or businesses and is not part of a shopping center or any group of businesses that jointly attract customers through their proximity to each other or through common advertising.

2. The total sign area of the free-standing sign as well as all canopy, marquee and wall signs shall not exceed the sign area allowed in Section 10-19-7(A)2 of the riverbank City Code.

d. Directional signs located wholly on private property on the premises to which they pertain as follows:

1. One exterior directional sign per use per street frontage of the site not exceeding six (6) square feet in area and three (3) feet in height, and provided business identification shall not exceed one-half (1/2) of the area on a given face sign.

2. Any number of interior direction signs, each not exceeding 6 square feet in area and six (6) feet in height.

3. Two maximum interior directional signs for a drive-in restaurant or other eating place with drive-through facilities, each sign not to exceed thirty (30) square feet in area and eight (8) feet in height.

e. One for sale or rent sign, not exceeding sixty-four (64) square feet in area and ten (10) feet in height.

f. One construction sign, not exceeding sixty-five (65) square feet in area and 10 feet in height, provided such sign is removed not later than thirty (30) days after construction is completed.

g. One marquee sign, not exceeding six (6) square feet in area or any one side or twelve (12) square feet maximum total area. Said sign may be hung from a marquee providing such sign shall not be less than eight (8) feet above a public sidewalk.

h. Political signs may be erected, maintained and displayed provided each such sign does not exceed thirty-two (32) square feet in area, does not exceed ten (10) feet in height and the combined area of all such signs shall not exceed sixty-four (64) square feet. Such signs shall be erected no more than sixty (60) days prior to the date of the election, and shall be removed within ten (10) days after the election.

i. Outdoor advertising signs are not permitted.

j. Window signs are permitted provided the total sign area of the window signs as well as any other canopy, marquee, wall or free-standing signs shall not exceed the sign area allowed in Division (B)(1)(b) above. A "no fee" permit will be required to ensure compliance with the sign area requirements. For businesses which continually utilize window signs, (i.e. for weekly specials) only one (1) permit needs to be issued which will allow for signs to change providing the approved sign area is not exceeded. (Ord. 86-06; 04/14/86)

k. One freestanding identification sign, not exceeding 100 square feet in area which shall be permitted to identify a use without any structure, such as a parking lot. For uses such as Christmas tree sale lots, pumpkin sale lots, and fireworks stands, one freestanding identification sign shall be permitted, not exceeding thirty-two (32) square feet in area and (12) feet in height.

l. Signs on service station pump islands, canopy uprights and non-movable structures on the pump islands, which shall be permitted if the combined area of said signs and all other wall and canopy signs does not exceed the total sign area permitted under Subsection 2 above for the building on the site and do not project beyond the canopy roof or raised pump island. Said signs shall not exceed ten (10) feet in height if there is no canopy. For self-service stations with small attendant booths less than ten (10) feet on any side, a maximum total wall and canopy area of 160 square feet is permitted.

m. One (1) corporate flag per use or occupancy, not exceeding twenty-four (24) square feet in area; dimensions relative to each other shall not exceed a ratio of 2:1. Such flags shall be flown from a flagstaff or flagpole.

n. For sale or rent signs between eight (8) and thirty-two (32) square feet in area subject to securing a use permit. Approval of the permit shall be based

on the relationship between the size of the sign and the size of the property.

o. Pennants shall not be displayed for more than sixty (60) days.

2. In the M-1 zone and M-2 zones the following on-site signs are permitted except as otherwise stated:

a. Any sign allowed in the C-1 and CM zones subject to the same restriction as in those zones.

b. One of the following signs for each use or occupancy:

1. Projecting identification sign not exceeding seventy-two (72) square feet in area and forty (40) feet in height; if any portion projects into or overhangs a public street or alley right-of-way, said sign shall not exceed square feet in area; or

2. Marquee identification sign at right angles to a street not exceeding forty-eight (48) square feet in area and forty (40) feet in height. A second such marquee identification sign is permitted if the two signs are single faced, are parallel, and are on opposite ends of a marquee.

3. For "PD" (Planned Development) zones the following on-site signs are permitted: Sign limitation shall be made a condition of each "PD" zone and approval shall be based on the provisions of the zoning classification most closely approximating the uses proposed in the "PD" zone. (Ord. 86-06; 04/14/86).

CHAPTER 153
Sphere of Influence

SECTION:

153.295 **Services To Sphere of Influence**

153.295 SERVICES TO SPHERE OF INFLUENCE

A. Area of Service; Definition: The City Council shall hereafter be prohibited from providing or agreeing to provide water, sewer or storm drainage service, lines or facilities to any lot, parcel, residence, business or industry which is not within the formally approved and adopted "Sphere of Influence of the City. "Sphere of Influence" shall be described as that designation which is currently used as terminology describing "Sphere of Influence" on the date of approval and adoption hereof.

B. Penalty: Violation of provisions of this Section shall be a misdemeanor and upon conviction violators may be punished by fine or confinement in the County jail as provided b the City Code and laws of the State. (Ord. 92-05)

1. Measure "D" was passed by Riverbank voters on November 3, 1992 and City Clerk certified election November 23, 1992.

CHAPTER 153
Specific Plan District

SECTION:

153.305	Purpose
153.306	Authority
153.307	Applicability
153.308	Delineation of Specific Plan Areas
153.309	Procedure
153.310	Application
153.311	Specific Plan Contents
153.312	Environmental Review
153.313	Amendment
153.314	Expiration and Extension

153.305 PURPOSE

The purpose of the Specific Plan District (SP) is to provide a vehicle for implementing the City's General Plan on an area specific basis. A Specific Plan prepared in accordance with the standards set forth herein is intended to serve as a regulatory document, consistent with the General Plan. In the event of an inconsistency or conflict between an adopted Specific Plan and comparable regulations of the Riverbank Municipal Code, the Specific Plan will prevail.

153.306 AUTHORITY

Specific Plans are authorized by California Government Section 65450 et. seq. which specifies minimum contents and provides for fees and an additional environmental review procedure.

153.307 APPLICABILITY

Chapter III Section A(9) of the Land Use Element of the General Plan encourages the preparation of Specific Plans and identifies certain areas of the City for which Specific Plans are required prior to development.

153.308 DELINEATION OF SPECIFIC PLAN AREAS

It is not necessary for Specific Plan areas to be delineated on the General Plan Land Use Map. On the Zoning Map a Specific Plan district will be delineated in a manner similar to that of any other zoning district except that each Specific Plan zoned area shall also bear a number which distinguishes it from other Specific Plan areas. In most cases, an adopted Specific Plan will create zoning categories unique to that Plan; those zoning categories will be described within the Plan itself rather than on the Zoning Map or in the Riverbank Municipal Code.

153.309 PROCEDURE

A. A Specific Plan shall be adopted by resolution, following public hearings before the Planning Commission and City Council. Application for other entitlements may be made simultaneously with the Specific Plan application. In some circumstances, simultaneous applications may be necessary.

B. Concurrent with the adoption of a Specific Plan, the Plan Area must be zoned SP and assigned a number as required in Section 10-21-4 above. The zoning and Specific Plan applications may be processed simultaneously. In some areas it may be necessary or appropriate to link adoption of the Specific Plan with adoption of other entitlements or programs such as subdivision or parcel maps, area facilities plans, design guidelines, monitoring programs, PD permits, financing mechanisms, etc. The Specific Plan shall define the relationship of the Plan to other approvals.

153.310 APPLICATION

The application for a Specific Plan shall be in accordance with public hearing processes prescribed in Government Code Section 65453 and shall include text and diagram(s) as required by a the Planning Commission to properly evaluate the ability of the proposed Specific Plan to carry out the City's General Plan. Due to the significant roll an adopted Specific Plan plays in the implementation of the General Plan, application preparers shall seek guidance from the Planning Department and, if necessary, the Planning Commission, prior to submitting an application for a Specific Plan. Such guidance regarding relevant General Plan goals, policies, land use and implementation programs shall be provided through pre-application conferences, written material, study sessions or other appropriate means. Application and implementation fees for Specific Plans shall be set by resolution of the City Council.

153.311 SPECIFIC PLAN CONTENTS

State Law requirement. State Law specifies at California Government Code Section 65451 the matters which must be included in a Specific Plan.

A. State Law specifies the matters which must be included in a Specific Plan: "A Specific Plan shall include a text and diagram or diagrams which specify all of the following in detail:

1. The distribution, location and extend of the uses of land, including open space, within the area covered by the Plan.

2. The proposed distribution, location and extend and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy and other essential facilities proposed to be located within the area covered by the Plan and needed to support the land uses described in the Plan.

3. Standards and criteria by which development will proceed and standards for the conservation, development and utilization and natural resources where applicable.

4. A program of implementation measures including regulations, programs, public works projects and financing measures necessary to carry out Paragraphs 1, 2, and 3".

B. The Specific Plan shall include a statement of the Specific Plan to the General Plan.

B. City Requirements.

1. The City's requirements include the State requirements listed above but in sufficient depth, scope and detail to provide not only policies for the development of the area but also specific standards for regulating that development

2. A Specific Plan must include the following:

a. The proposed land uses for all areas covered by the Plan.

b. The location of and type of streets.

c. Public facilities and infrastructure required to serve developments within the Specific Plan area.

d. Proposed conservation, open space and/or recreation areas, if any,

e. Financial and Economic Analysis.

3. To meet the goal of tailoring General Plan implementation to a specific area, no one format is prescribed, but the text and diagrams prepared must be organized in a manner that clearly states the goals of the Specific Plan and clearly sets forth regulations in a format readily usable by both professional and lay persons who may have a role in implementing the Specific Plan. The

Planning Department shall provide a checklist and examples of Specific Plan contents to assist applicants. (Ord. 95-06)

153.212 ENVIRONMENTAL REVIEW

It is anticipated, under the California Environmental Quality Act (California Public Resources Code Section 21000) and Guidelines, that most Specific Plans will require preparation of an Environmental Impact Report. Once certified, the EIR for a Specific Plan may be relied upon for further entitlements to the extent allowed by the law, sought subsequent to adoption of the Specific Plan. (Ord. 95-06)

153.213 AMENDMENT

A Specific Plan may be amended as necessary under the same procedure as adoption of a Specific Plan. (Ord. 95-06)

153.214 EXPIRATION AND EXTENSION

Since Specific Plan applications are flexible, expiration will be determined on a case-by-case basis. Like other City regulations, most Specific Plan approvals will not expire unless replaced by a subsequently adopted Specific Plan or rendered obsolete by adoption of a conflicting General Plan designation. In some cases however, limiting the duration an approval may be appropriate when the Specific Plan is linked to another entitlement which expires (ie: such as a tentative subdivision map.) The resolution adopting a Specific Plan shall specify the duration of the Specific Plan and any means of extension, which may include an evaluation of an applicant's due diligence in satisfying Specific Plan provisions. (Ord. 95-06)

CHAPTER 153
Secondary Dwelling Units

SECTION:

153.325 **General Provisions/Conditions**
153.326 **Conditional Use Permit**

153.325 General Provisions/Conditions

A. Location. Secondary dwelling units shall be allowed, as provided for in this Title, on a lot which is zoned for residential use and which contains one existing single-family detached units.

B. Limitation. In no case shall more than one secondary dwelling unit be placed on the same lot or parcel.

C. Zoning District: Except as provided in this Chapter, all requirements and regulations of the zoning district in which the lot is situated shall apply.

D. Conditions: The secondary dwelling unit may be established by the conversion of an attic, basement, garage or other portion of a single-family unit, a detached secondary unit may be established by the conversation of an accessory structure or may be established by new construction. The establishment of any secondary dwelling unit shall be subject to the following conditions: The secondary dwelling unit shall be in compliance with applicable building, fire and other health and safety codes.

1. The secondary dwelling unit shall be in compliance with underlying zoning requirements and regulations, except as may be provided for in this chapter.

2. The secondary dwelling unit shall be in compliance with underlying zoning requirements and regulations, except as may be provided in this Section.

3. The secondary dwelling unit can either be attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling. The total living area of floor space for a detached second unit shall not exceed 1,200 square feet. Any increase in the floor area of an attached second unit shall not exceed 30% of the existing living area.

4. The secondary dwelling unit shall observe a 15-foot rear yard setback from the property line; provided that no vehicle opening of any building is closer than 20-feet to the property line or planned right-of-way line toward which the opening faces.

5. The secondary dwelling unit shall not exceed two stories or 35-feet.

6. There shall be no more than one secondary dwelling unit per lot.

7. One covered or uncovered off-street parking space shall be provided for the secondary dwelling unit. This requirement shall be in addition to the off-street parking spaces required for the existing residence. Tandem parking shall not be allowed.

8. The secondary dwelling unit shall be clearly subordinate to the principle single-family dwelling unit on the lot. All construction shall conform to height, setback, lot coverage, architectural review, site plan review, fees, charges and other zoning requirements generally applicable to residential construction in the zone in which the property is located.

9. Addresses for secondary dwelling units shall be shown prominently on the frontage of the unit. Frontage should be located facing either a street or alleyway and/or have a well-defined entry area.

10. An elevation plan of the existing and proposed unit on the project property; and a vicinity map showing all existing structure on adjacent properties, shall be submitted to the Planning Department for review prior to approval.

11. The second dwelling unit shall be of the same color, material and architectural design as the principle dwelling unit. (Ord. 97-03)

153.326 CONDITIONAL USE PERMIT

A. Residential zones. Within all residential zones, secondary dwelling units may be allowed after a Conditional Use Permit is approved, pursuant to the provisions of Section 153.216.

B. Findings. No Conditional Use Permit for a secondary dwelling unit shall be granted unless the following findings can be made.

1. That the secondary dwelling unit meets all required conditions identified in this Chapter.

2. That the secondary dwelling unit will not under the circumstances of the particular case be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the City.

3. That the secondary dwelling unit is compatible in appearance and character with the primary single-family residence and with the surrounding residences.

C. Building Permits. A building permit shall be required for any construction undertaken in furtherance of an approval issued under this Title.

D. Expiration and Renewal. Approval granted pursuant to this Chapter, if the project is not initiated within one year from the date of approval shall automatically expire and shall be invalid. A one year extension may be granted by the Community Development Director if a written request for the extension is received not less than 30-days prior to the expiration of the permit and the findings required by Division B above are made. (Ord. 97-03)

CHAPTER 153
Wireless Telecommunications Towers and Antennas

SECTION:

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153.400 PURPOSE

The purpose of this ordinance is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this Ordinance are to:

1. Protect residential areas and land uses from potential adverse impacts of towers and antennas.

2. Encourage the location of towers in non-residential areas AND public owned lands.

3. Minimize the total number of towers throughout the community.

4. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers.

5. encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.

6. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques.

7. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

8. Consider the public health and safety of communication towers.

9. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

10. Protect the aesthetic entrance and corridors of the community.

In furtherance of these goals, City of Riverbank shall give due consideration to the General Plan and Specific Plans of the City, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

153.401 DEFINITIONS

As used in this ordinance, the following terms shall have the meanings set forth below:

1. "Alternative tower structure" means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

2. "Antenna" means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

3. "Back-haul network" means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers or the public switched telephone network.

4. "FAA" means the Federal Aviation Administration.

5. "FCC" means the Federal Communications Commission.

6. "Height" means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

7. "Pre-existing towers and preexisting antennas" means any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

8. "Tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or mono-pole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

153.402 APPLICABILITY

1. New Towers and Antennas. All new towers or antennas in City of Riverbank and its Sphere – of-Influence shall be subject to these regulations, except as provided in Sections 10-24-3(b) through (d), inclusive.

2. Amateur Radio Station Operators/Receive Only Antennas. This Ordinance shall not govern any tower, or the installation of any antenna, that is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.

3. Pre-existing Towers or Antennas. Pre-existing towers and pre-existing antennas shall not be required to meet the requirements of this Ordinance, other than the requirements of Sections 10-24-4(f) and 4(g).

4. AM Array. For purposes of implementing this ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by Conditional Use Permit.

153.403 GENERAL REQUIREMENTS

1. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

2. Lot Size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

3. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Community Development Director an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of City of Riverbank and its Sphere of Influence or within one mile of the border thereof, including specific information about the location, height, and design of each tower.

The Community Development Director may share such information with other applicants applying for administrative approvals or conditional use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of Riverbank and its Sphere-of-Influence, provided, however that the Community Development Director is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

4. Aesthetics. Towers and antennas shall meet the following requirements and are subject to review and approval by the City:

(a) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA be painted a neutral color so as to reduce visual obtrusiveness. The finish shall be subject to the Community Development Director's approval where administrative permits are considered and by the Planning Commission where Conditional Use Permits are required.

(b) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

(c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

5. Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

6. State or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

7. Building Codes; Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City of Riverbank concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

8. Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City of Riverbank and its Sphere-of-Influence irrespective of municipal and county jurisdictional boundaries.

(a) Not Essential Services. Towers and antennas shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.

(b) Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the City of Riverbank and its Sphere-of-Influence have been obtained and shall file a copy of all required franchises with the Community Development Director.

9. Public Notice. For purposes of this ordinance, any Conditional Use Permit, variance request, or appeal of an administratively approved use or Conditional Use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in Section 10-24-7(b)(5)(ii), Table 2, in addition to any notice otherwise required by the Zoning Ordinance.

10. Signs. No signs shall be allowed on an antenna or tower.

11. Buildings and Support Equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of Section 10-24-8.

12. Multiple Antenna/Tower Plan. The City of Riverbank strongly encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

153.404 PERMITTED USES

1. General. The uses listed in this Section are deemed to be permitted uses and shall not require administrative approval or a Conditional Use Permit.

2. Permitted Uses. The following uses are specifically permitted:

(a) Antennas or towers located on property owned, leased, or otherwise controlled by the City of Riverbank provided a license or lease authorizing such antenna or tower has been approved by the City of Riverbank.

153.405 ADMINISTRATIVELY APPROVED USES

1. General. The following provisions shall govern the issuance of administrative approvals for towers and antennas.

(a) The Community Development Director may administratively approve the uses listed in this Section.

(b) Each applicant for administrative approval shall apply to the Community Development Director providing the information set forth in Sections 10-24-7(b)(1) and 7(b)(3) of this ordinance and a nonrefundable fee as established by resolution of City Council of the City of Riverbank to reimburse the City of Riverbank for the costs of reviewing the application.

(c) The Community Development Director shall review the application for administrative approval and determine if the proposed use complies with Sections 10-24-4, -7(b)(4) and 7(b)(5) of this ordinance.

(d) The Community Development Director shall respond to each such application within sixty (60) days after receiving a complete application by either approving, conditional approving or disapproving the application. If the Community Development Director fails to respond to the applicant within said sixty (60) days, and then the application shall be forwarded to the Planning Commission for consideration.

(e) In connection with any such administrative approval, the Community Development Director may, in order to encourage shared use, administratively waive any zoning district setback requirements in Section 10-24-7(b)(4) or separation distances between towers in Section 10-24-7(b)(5) by up to fifty percent (50%).

(f) In connection with any such administrative approval, the Community Development Director may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.

(g) If an administrative approval is denied, the applicant shall file an application for a Conditional Use Permit pursuant to Section 10-23-7 prior to filing any appeal that may be available under the Zoning Ordinance.

2. List of Administratively Approved Uses. The following uses may be approved by the Community Development Director after conducting an administrative review:

(a) Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any M-1, M-2, or C-M Zone District of Title 10 Zoning Code.

(b) Locating antennas on existing structures or towers consistent with the terms of subsections (a) and (b) below.

(1) Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the Community Development Director as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight or more dwelling units, provided:

(i) The antenna does not extend more than thirty (30) feet above the highest point of the structure;

(ii) The antenna complies with all applicable FCC and FAA regulations; and

(iii) The antenna complies with all applicable building codes.

(c) Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the Community Development Director and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

(d) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the Community Development Director allows reconstruction as a monopole.

(e) Height

(i) An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, to accommodate the collocation of an additional antenna.

(ii) The height change referred to in subsection (ii)(a) may only occur one time per communication tower.

(iii) The additional height referred to in subsection (ii)(a) shall not require an additional distance separation as set forth in Section 10-24-7. The tower's pre-modification height shall be used to calculate such distance separations.

(f) Onsite location

(i) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within fifty (50) feet of its existing location.

(ii) After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.

(iii) A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to section 10-24-7(b)(5). The relocation of a tower hereunder shall in no way be deemed to cause a violation of Section 10-24-7(b)(5).

(iv) The onsite relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in Section 10-24-7(b)(5) shall only be permitted when approved by the Community Development Director.

(g) New towers in non-residential zoning districts. Locating any new tower in a non-residential zoning district other than M-1, M-2, and C-M, provided a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; the Community Development Director concludes the tower is in conformity with the goals set forth in Section 10-24-1 and the requirements of Section 10-24-4; the tower meets the setback requirements in Section 10-24-7(b)(4) and separation distances in Section 10-24-7(b)(5); and the tower meets the following height and usage criteria:

(i) for a single user, up to seventy (70) feet in height;

(ii) for two users, up to ninety (90) feet in height; and

(iii) for three or more users, up to one hundred (100) feet in height.

(h) Locating any alternative tower structure in a zoning district other than M-1, M-2, or C-M that in the judgment of the Community Development Director is in conformity with the goals set forth in Section 10-24-1 of this ordinance.

(i) Installing a cable micro-cell network through the use of multiple low-powered transmitters/receivers attached to existing wire-line systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

3. Submittal Requirements

(a) Applicant shall submit, as a minimum, the following:

(b) Information as required by Sections 10-24-7(a)(4), (b)(1), (b)(3), (4), (5), (6), and (7).

153.406 CONDITIONAL USE PERMITS

1. General. The following provisions shall govern the issuance of Conditional Use Permits for towers or antennas by the Planning Commission:

(a) If the tower or antenna is not a permitted use under Section 10-24-5 of this ordinance or permitted to be approved administratively pursuant to Section 10-24-6 of this ordinance, Conditional Use Permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.

(h) Applications for Conditional Use Permit under this Section shall be subject to the procedures and requirements of Chapter 10-15-2 of the Zoning Ordinance, except as modified in this Section.

(i) In granting a Conditional Use Permit, the Planning Commission may impose conditions to the extent the Planning Commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

(j) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

(k) An applicant for a Conditional Use Permit shall submit the information described in this Section and a non-refundable fee as established by resolution of the City Council of the City of Riverbank to reimburse Riverbank for the costs of reviewing the application.

2. Towers.

(a) Information required. In addition to any information required for applications for Conditional Use Permits pursuant to Chapter 10-15-2 of the Zoning Ordinance, applicants for a Conditional Use Permit for a tower shall submit the following information:

(i) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), General Plan designation of the site and all properties within the applicable separation distances set forth in Section 10-24-7(b)(5), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Community Development Director to be necessary to assess compliance with this ordinance.

(ii) Legal description of the parent tract and leased parcel (if applicable).

(iii) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and non-subdivided residentially zoned properties.

(iv) The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section 10-24-4(c) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

(v) A landscape plan showing specific landscape materials.

(vi) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

(vii) A description of compliance with Sections 10-24-4(c), (d), (e), (f), (g), (j), (l), and (m), 7(b)(4), 7(b)(5) and all applicable federal, state or local laws.

(viii) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.

(ix) Identification of the entities providing the back-haul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.

(x) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

(xii) A description of the feasible location(s) of future towers or antennas within the City of Riverbank and its Sphere-of-Influence based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

(b) Factors Considered in Granting Conditional Use Permits for Towers. In addition to any standards for consideration of Conditional Use Permit applications pursuant to Chapter 10-15-2, Use Permit, of the Zoning Ordinance, the Planning Commission shall consider the following factors in determining whether to issue a special use permit, although the Planning Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Planning Commission concludes that the goals of this ordinance are better served thereby:

(i) Height of the proposed tower;

(ii) Proximity of the tower to residential structures and residential district boundaries;

(iii) Nature of uses on adjacent and nearby properties;

(iv) Surrounding topography;

(v) Surrounding tree coverage and foliage;

(vii) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

(viii) Proposed ingress and egress; and

(ix) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Section 10-24-7(b)(3) of this ordinance.

(c) Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's a proposed antenna. An applicant shall submit information requested by the

Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

(I) No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.

(ii) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

(iii) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

(iv) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

(v) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

(vi) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(vii) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable micro-cell network using multiple low-powered transmitters/receivers attached to a wire-line system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

(d) Setbacks. The following setback requirements shall apply to all towers for which a Conditional Use Permit is required; provided, however, that the Planning Commission may reduce the standard setback requirements if the goals of this ordinance would be better served thereby:

(i) Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line.

(ii) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

(e) Separation. The following separation requirements shall apply to all towers and antennas for which a Conditional Use Permit is required; provided, however, that the Planning Commission may reduce the standard separation requirements if the goals of this ordinance would be better served thereby.

(i) Separation from off-site uses/designated areas.

(a) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.

(b) Separation requirements for towers shall comply with the minimum standards established in Table 1.

TABLE I

Off-site Use/Designated Area	Separation
Single-family or duplex residential units(1)	200 feet or 300% height of tower whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	200 feet or 300% height of tower(2)whichever is greater
Vacant non-subdivided residentially zoned lands(3)	100 feet or 100% height of tower whichever is greater
Existing multi-family residential units greater than duplex units	100 feet or 100% height of tower whichever is greater
Non-residentially zoned lands or non-residential uses	None; only zoning setbacks apply

1. Includes modular homes and mobile homes used for living purposes.
2. Separation measured from base of tower to closest building setback line.
3. Includes any undivided residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multi-family residentially zoned land greater than duplex.

(ii) Separation distances between towers.

(a) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2.

TABLE 2

EXISTING TOWERS - TYPES				
	*Lattice	Guyed	Mono-pole 75 Ft in Height or Greater	Mono-pole Less Than 75 Ft in Height
Lattice*	5000	5000	1500	750
Guyed	5000	5000	1500	750
Mono-pole 75 Ft in Height or Greater	1500	1500	1500	750
Mono-pole Less Than 75 Ft in Height	750	750	750	750

***Note: Lattice Towers are strongly discouraged**

(f) Security fencing. Towers shall be enclosed by security fencing, type to be approved by the Community Development Director, not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Planning Commission may waive such requirements, as it deems appropriate.

(h) Landscaping. The following requirements shall govern the landscaping surrounding towers for which a Conditional Use Permit is required; provided, however, that the Planning Commission may waive such requirements if the goals of this ordinance would be better served thereby.

(ii) Tower facilities shall be landscaped with buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.

(ii) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

(iii) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

153.407 BUILDINGS OR OTHER EQUIPMENT STORAGE

1. Antennas Mounted on Structures or Rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following, unless modified by the Community Development Director:

(a) The cabinet or structure shall not contain more than ten (10) Square feet of gross floor area or be more than three (3) feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related unmanned equipment structure, if over ten (10) square feet of gross floor area or three (3) feet in height, shall be located on the ground and shall not be located on the roof of the structure.

(b) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 2% percent of the roof area and must be screened from public view.

(c) Equipment storage buildings or cabinets shall comply with all applicable building codes.

(d) Antennas Mounted on Utility Poles or Light Poles. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:

(1) In residential districts, the equipment cabinet or structure may be located:

(i) In a front or side yard provided the cabinet or structure is no greater than three (3) feet in height or ten (10) square feet of gross floor area and the cabinet/structure is located a minimum of five (5) feet or more from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least 42-48 inches and a planted height of at least 36 inches.

(ii) In a rear yard, provided the cabinet or structure is no greater than three (3) feet in height or ten (10) square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches.

(d) In commercial or industrial districts the equipment cabinet or structure shall be no greater than three (3) feet in height or ten (10) square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence eight (8) feet in height or an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches.

(i) Antennas Located on Towers. The related unmanned equipment structure shall not contain more than three (3) feet in height or ten (10) square feet of gross floor area or be more than, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.

(ii) Modification of Building Size Requirements. The requirements of Sections 8(a) through (c) may be modified by the Community Development Director in the case of administratively approved uses or by the Planning Commission in the case of uses permitted by Conditional Use Permit to encourage collocation.

153.408 REMOVAL OF ABANDONED ANTENNAS AND TOWERS

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the tower or antenna within ninety (90) days of receipt of notice from the City of Riverbank and/or its Sphere-of-Influence notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) day period shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

153.409 NONCONFORMING USES

1. Not Expansion of Nonconforming Use. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

2. Preexisting towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this ordinance.

3. Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas. Notwithstanding Section 10-24-9, bona fide nonconforming towers or antennas that are damaged or destroyed by natural causes may be rebuilt without having to first obtain administrative approval or a conditional use permit and without having to meet the separation requirements specified in Sections 10-24-7(b)(4) and 7(b)(5). The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section 10-24-9.

153.410 SEVERABILITY

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

143.411 REPEALER

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

153.412 EFFECTIVE DATE

Ordinance No. 99-07; 8/12/99

CITY OF RIVERBANK ZONING MAP

MARCH, 2000

CITY OF RIVERBANK
CITY OF ACTION

CITY LIMITS
SPHERE OF INFLUENCE
RESIDENTIAL RESERVE

LEGEND

R-1	SINGLE FAMILY RESIDENTIAL
R-2	DUPLEX RESIDENTIAL
R-3	MULTIPLE FAMILY RESIDENTIAL
C-1	NEIGHBORHOOD COMMERCIAL
C-2	GENERAL COMMERCIAL
M-1	LIGHT INDUSTRIAL
M-2	HEAVY INDUSTRIAL
C-M	COMMERCIAL INDUSTRIAL
P	PARK
SP	SPECIFIC PLAN
PD	PLANNED DEVELOPMENT